

The Ralston City Council met in a regular session on Tuesday, August 5, 2008 at 7:00 P.M. Roll was called with the following present: Konwinski, Gillespie, Preis, Onken, Krause, and Alberhasky. Absent: 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 a part of these minutes.

Acting Mayor Krause gave the Open Meeting Law Acknowledgement Posting.

The following building permits were approved: #7428 to Faulk Enterprises, 7900 Harrison St., Electrical for Office Addition at Milt's Mini Storage, \$4,500; #7429 to Kyle Stover, 8325 Main St., Replace Electrical Service from 100 AMP to 150 AMP, \$3,000; #7430 to Rich Onken, 6730 S. 77<sup>th</sup> St., Reroof House, \$3,815.

After corrections, Alberhasky moved to approve the Consent Agenda, seconded by Konwinski. The vote: Gillespie, Alberhasky, Krause, Onken, Preis, vote yes. Konwinski abstains. Motion carries.

City Engineer & Legal had no reports. City Treasurer gave a lottery report.

Presentation of Life Saving Award to Sgt. Cerny and Officer Herrick was done by Acting Mayor Krause, Police Chief White, and Deputy Chief Murtaugh.

Consideration of Agreement of Leo Daly and the Baright Library was spoken to by Director Canfield. It was moved by Konwinski, seconded by Gillespie for approval of this agreement. The vote: all yes, motion carries.

Consideration of Manager Application for American Legion Post #373 was spoken to by Clifford Thiesen, Second Vice President of the American Legion. Chief White said he had no problems with this manager application. It was moved for approval by Gillespie, seconded by Alberhasky, for manager application. The vote: all yes, motion carries.

2nd Reading and Public Hearing for Ordinance #1139- AN ORDINANCE TO REPEAL THE PROVISIONS OF ARTICLE 10 OF CHAPTER 4 OF THE RALSTON MUNICIPAL CODE REGULATING SMOKING IN WORK PLACES AND PUBLIC GATHERING PLACES; TO REPEAL PROVISIONS IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE was introduced by Alberhasky. Krause opened the Public Hearing. Mark Welsh, G.A.S.P. President, 5611 Howard St., spoke in opposition to the repealing of this ordinance. Welsh handed out to Council the Nebraska Clean Air Indoor Act and Rules and Regulations, plus a study that had been done on health issues. Public Hearing closed. It was moved for approval of #1139, 2nd reading by Gillespie, seconded by Preis. The vote: all yes, motion carries.

Consideration of Quit Claim Deed for Lakeview Apartments was spoken to by City Attorney Klinker. Klinker asked if there were any people in the audience that were interested in this lawsuit. Mark Rigel, 42 Country Club said he was. Klinker stated for the record that his legal advice was only for his client, the City and the Council, for the Council's benefit and not for anyone in the audience who had received one of these quit claim deeds. Klinker said the apartment building had been built over this strip of land, and was now being asked that this land be vacated, which Council did in 1969, but Council had no authority to do so in 1969. Klinker said this approval would give a clear title to this land strip, and the lawsuit would not be applicable to the City at that point. It was moved by Konwinski, seconded by Onken, for approval of quit claim deed to Lakeview Apartments. The vote: all yes, motion carries.

Discussion of Papillion Sanitation surcharge was spoken to by Krause & Onken. Krause stated that he, Onken, and Alberhasky met with Erika Johnson from Papillion Sanitation and that no further discussion needed to be taken tonight. Onken referred Council to the spreadsheet attached to the letter from Papillion Sanitation; this would be on the next agenda for consideration.

Council comments: Konwinski complimented Canfield on the grant request she had received. Konwinski commented on the recycling program she had seen in Colorado. Preis complimented the police on the National Night Out success. Gillespie congratulated Konwinski on her personal milestones achieved. Alberhasky, Krause & Onken had no comments.

Public Comments: Mark Rigel, 42 Country Club, asked about procedure on Public Hearings. Rigel asked about Oak Hills Pool being included in this lawsuit, as the pool had not received any information. Krause said they were not in a position to advise anyone on the legalities, during a meeting. Rigel asked about the zoning for the corner by the Legion parking & pool, and would like this to be zoned for public use. Rigel spoke to the spaghetti dinner being co-sponsored by the American Legion and Oak Hills Pool. Kyle Ienn, 630 Bailey Circle, Papillion, NE, spoke to the trash issue, and how the City of Papillion does their garbage collection and the recycling program with Elkhorn Sanitation. Ienn also spoke as Ralston Fire Chief, and referred Council to a letter received a few weeks ago in regards to response times and membership. This letter had been forwarded to the local press. Ienn asked for a committee to be appointed to work with the RVFD to address these issues going forward. Krause asked Gillespie & Preis to be on this committee. Ron Demming, 18466 Van Camp Drive, Omaha, spoke on behalf of the Legion, and the zoning for the parking lot. Krause said there was no new information. Krause asked the scout group in attendance to introduce themselves.

The meeting was adjourned at 7:55 P.M.

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Dolores Costanzo  
City Clerk/Treasurer

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Jerry Krause  
Acting Mayor

Claims: J.P. Cook- Nameplate- \$13.18; CJ's-Supplies- \$65.12; Petty Cash- Costanzo- \$240.23; Cox- Service- \$176.72; Century Certified- Pest Control- \$50.00; FOP- Dues- \$166.14; T. Jones- Janitorial- \$75.00; M. Klinker- Retainer- \$1,000.00; LONM- Dues- \$10,200.00; Mark Hydraulic- Parts- \$141.30; Manufacturers News- Register- \$94.95; Nebraska Department of Revenue- Tax- \$69,750.85; Nebraska Library Commission- OCLC- \$618.06; Overhead Door- Service- \$286.86; Prairie Life- Fitness- \$1,092.28; Sarpy County- Animal Control- \$1,242.87; Visa- Monthly Expense- \$5,745.85; Wal mart- Supplies- \$93.88; Miracle Recreation- Enclosure- \$366.00; Industrial Sales- Field Materials- \$177.43; Nebraska Iowa Supply- Fuel- \$1,647.96; Shell- Fuel- \$2,628.75; Secretary of State- Notary- \$30.00; Toshiba- Copier- \$299.00; Ralston Recorder- Renewal- \$23.00; GE Capital- Copier- \$202.75; Hornady- Ammo- \$373.60; Windstream- Service- \$195.66; B. Virgilito- Janitorial- \$100.00; Constellation Energy- Utility- \$23.83; Subscription Service- Subscription- \$19.95; Hawkeye Vision- Software- \$5,000.

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