

Ralston City Council Regular Meeting
Tuesday, May 19, 2020

Pursuant to the Governor's Executive Order No. 20-03, the Ralston City Council met via teleconference on Tuesday, May 19, 2020 at 5:30 PM. Roll was called with the following present: Mayor Groesser and Council members Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. The agenda was available at City Hall and on the City's website at www.cityofralston.com 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 Greg Berger, Messiah Lutheran Church gave the invocation. Mayor Groesser welcomed the press and guests. Groesser said the meeting is subject to the Nebraska Open Meetings Act and a copy of the Act is posted at the rear of the Council Chambers and is available to view on the City's website at www.cityofralston.com.

The City Council reviewed the following items under the consent agenda:

1. Minutes from the May 5, 2020 regular city council meeting;
2. Claims;
3. Monthly Financial Statements; and
4. Department Head and/or Commission Reports.

Fidelity moved and Konwinski seconded to approve the Consent Agenda. On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh, Sanchez, and Preis. Nay: None. Absent: Krause. Motion carried.

Groesser opened discussion on the Governor's "Youth Sports Reopening Guidelines" and the City of Ralston's liability. Hoppe indicated that on May 11, 2020, Governor Ricketts put out guidelines for resuming youth baseball and softball. Practices can start as early as June 1st and games as early as June 18th. Hoppe and the Sports Committee met last week and there is strong interest in the baseball and softball community to open Crown and Wager Fields and allowing sports to go forward. There needs to be discussion as to whether the City should open the fields and, if so, what guidelines should be followed.

Hoppe presented a draft of guidelines to follow and he thanked Tammi Bray of RABA for providing guidelines that her organization has compiled. City staff participated in a phone conference with the League of Municipalities where the issue of liability in these situations was discussed. If the community is allowed to use the fields and there are no fees charged, then the City is not generally liable. Others are making the decision to play. Participants in the games are assuming inherent risk. The inherent risk as it pertains to this situation is if someone were to contract COVID while participating in one of the ballgames, the City would not be liable in large part because it is an inherent risk in playing. The League of Municipalities has recommended that the City Council pass a resolution stating that COVID is an inherent risk under current conditions and that limited liability waivers be provided to all participants and adults that will be working with the kids at the practices

and the games.

Hoppe reviewed the guidelines. The teams using the fields agree to follow Governor Ricketts' guidelines for youth baseball and softball as listed. Coaches are responsible for ensuring social distancing is maintained. Hoppe indicated this includes the participants, the field, the spectators and the parents are to follow the guidelines for social distancing. There needs to be someone in charge to ensure the facilities and equipment are properly sanitized to reduce the risk of transmission. Dugouts can only be used during games and bleachers will not be used for spectators, but rather to allow participants more space to be socially distanced.

Fan attendance is limited to household members of the players on the team. Hoppe said it is important to note that fans will not be allowed on the bleachers and must bring their own chairs or stand. Fans should keep six feet of social distancing between different household units and there will be no fan seating or standing in the area from behind home plate to six feet past the far end of each dugout.

Hoppe presented points for consideration. The City is not responsible for enforcing the guidelines for youth baseball and softball. The teams themselves assume responsibility for enforcement and the City is not liable should something result in a COVID positive test as a result of participation. Each team using the field shall have an adult who is responsible for sanitizing the team's equipment, gear, and all facilities used. Hoppe said it is important to establish at least one person on each team who has that responsibility.

Each team shall appoint a responsible adult to enforce the guidelines. Each team has to have someone who is in charge of making sure the kids, the spectators and the coaches are following the rules and that they have enough authority to make sure those rules are followed. The responsible adult will ensure that all the parents of each player has signed a waiver and it has been filed at City Hall before the games begin so the City is protected in terms of legal liability.

The responsible adult must have the authority to order a youth player or adult who are not following the guidelines to leave the park. If the player or adult does not comply, the responsible adult will call the Ralston Police Department.

If a player or associated adult who used the fields test positive for COVID, the fields will be closed for a period of time and only re-opened with the approval of the City of Ralston. Hoppe said that restrooms will be reserved for players and coaches. Spectators will not be allowed to use the bleachers or the restroom facilities due to the risk of exposure and to reduce the need for sanitizing the various facilities.

The field lights will not be used. Games must end by dusk. Hoppe indicated this is directly related to the City's budget. The City has gone through a round of budget cuts and one of the cuts made was reduction in the amount of money invested in the fields. Hoppe said that the utility costs for the lights need to be avoided as much as possible.

The City needs to maintain the discretion to close the facilities and cancel games if people are ignoring the guidelines. The City also needs the ability to ban any individual or team from using the facilities if they are consistently ignoring the rules.

Hoppe said the next step is to meet with the Sports Committee and start planning in earnest if the fields will be opened. Groesser said this is the right thing to do and he feels comfortable with the responsibility the coaches are taking.

Council member Krause joined the meeting at 5:40 PM.

Preis commented that it may or may not be the right time to open the fields. Tammi Bray and RABA put together a very well-presented guideline. It all looks good on paper, but he is concerned that it may get lax after a week or two down the road. He spoke about commitment and follow-through. He commented on a concern with using the same baseball and the kids touching their faces. Preis heard that some other fields potentially may not open and that RABA had a lot of late sign-ups shortly after the Governor's reopening guidelines. He also heard that a team from Papillion contacted RABA and inquired about paying the fees and playing under RABA. Preis commented on allowing anybody and everybody to come in and play on Ralston's fields. Players on Ralston teams either need to be a resident of Ralston or have attended the Ralston Public School in the 2019-2020 school year. The only possible exceptions would be RABA select teams.

Krause inquired if softball is going to play and whether all the fields need to be open. Hoppe indicated that the softball recreation league is not going to play; however, the select teams will play. Preis said the select program is going to play but they do not play in Ralston. Konwinski inquired who is responsible for the sanitizing, what type of sanitizer will be used, and who is providing the sanitizer. Tammi Bray, RABA, has a board member who has her master's degree in chemistry and a focus in infectious disease. Bray has worked in a lab and knows lab guidelines. The current plan is to use a hydrogen peroxide solution that will be sprayed onto all of the surfaces. The chemicals will only be used by Bray or the board member. They will check out to the coach a safe solution labeled with the contents and ingredients of the solution.

Groesser said he too has concerns that it will start getting lax and if it does, there will be a meeting to shut it down. The kids need to have the opportunity to get some exercise. Groesser suggested the games be scheduled so the lights will not have to be turned on. Bray commented on the scheduling but will work with it as they can. Sevick inquired about the guidelines being provided to the organizations and Hoppe said he will email them out.

Groesser opened the public hearing at 6:01 PM to consider the special use permit to modify a cell tower antenna at 7838 Drexel Street. Freshman indicated this is a requirement per Table 3-2 under the GI zoning. Brandon Garrett on behalf of American Tower/T-Mobile indicated this is a standard T-Mobile upgrade. There are currently three antennas on their platform at 80 feet and they will be adding three more antennas to accommodate the L600 frequency.

There being no further discussion, Groesser closed the public hearing at 6:02 PM. Fideline moved and Kavanaugh seconded to approve the special use permit to modify a cell tower antenna at 7838 Drexel Street. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser announced that the next three action items pertaining to zoning will be considered together however each ordinance will be introduced separately and the titles read separately.

Preis introduced Ordinance No. 1252. Russell read Ordinance No. 1252 by title only: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF RALSTON BY CHANGING CERTAIN BOUNDARIES TO EXPAND TOWN CENTER (TC) BY RE-ZONING CERTAIN PORTIONS OF ADJACENT DISTRICTS CURRENTLY ZONED GENERAL INDUSTRIAL (GI), GENERAL COMMERCIAL (GC) AND LIMITED COMMERCIAL (LC) TO TOWN CENTER (TC); TO REPEAL ANY ORDINANCE IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.

Konwinski introduced Ordinance No. 1253. Russell read Ordinance No. 1253 by title only: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF RALSTON TO APPLY A HINGE OVERLAY DISTRICT; TO REPEAL ANY ORDINANCE IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.

Fideline introduced Ordinance No. 1254. Russell read Ordinance No. 1254 by title only: AN ORDINANCE TO REVISE AND AMEND THE ZONING ORDINANCES OF THE CITY OF RALSTON, NEBRASKA; TO SERVE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF THE CITY AND ITS JURISDICTION; TO CLASSIFY PROPERTY IN A MANNER THAT REFLECTS ITS SUITABILITY FOR SPECIFIC USES; TO PROVIDE FOR SOUND, ATTRACTIVE DEVELOPMENT WITHIN THE CITY AND ITS JURISDICTION; TO ENCOURAGE COMPATIBILITY OF ADJACENT LAND USES; TO PROTECT ENVIRONMENTALLY SENSITIVE AREAS; TO FURTHER THE OBJECTIVES OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY OF RALSTON; TO PROVIDE FOR SETBACK, HEIGHT AND AREA REGULATIONS; TO PROVIDE FOR FENCING, LANDSCAPING, OFF STREET PARKING AND SIGN REGULATIONS; TO PROVIDE FOR ADMINISTRATION AND ADMINISTRATIVE PROCEDURES AND APPEALS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO PROVIDE FOR THE REPEAL OF ALL PROVISIONS OF THE RALSTON MUNICIPAL CODE WHICH ARE IN CONFLICT HERewith; TO ADOPT AN OFFICIAL ZONING MAP; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Grosser opened the public hearing and first readings of Ordinance Nos. 1252, 1253 and 1254 at 6:06 PM.

Gamon presented a slideshow providing information on the proposed rezoning. In 2014, the City of Ralston adopted a Comprehensive Plan with the vision of generating a quality of life that is a beacon of dynamic and independent small town culture within the metro area. In order to achieve some of the goals identified in the plan, the City is focusing on urban development, future land use, parks and recreation and transportation. The first priority is the Hinge Project, a concept designed to connect the Ralston Arena to downtown. The area includes land from the south of the Ralston Arena to the railroad tracks and west to downtown.

Some of the key practical reasons this area was chosen as the first priority was its connection to the Ralston Arena, its eligibility for Tax Increment Financing and the arena turnback tax. Since that time, additional incentives have come into play for the Hinge, including a \$7.5 million donation from the estate of Ladonna Johnson and a 2018 federal designation as a qualified opportunity zone.

The City recently adopted the Downtown/Hinge Master Plan and Design Review Guidelines. Current zoning restrictions in some of the areas included in the Downtown/Hinge Master Plan do not allow for the proposed future uses. The suggested zoning changes will allow for future uses that include housing, retail, entertainment, restaurants, and office space. It will also provide for less restrictive site development procedures which creates the opportunity to develop missing middle housing and create conceptual designs and innovative land uses.

Over the next few months the City Council will be reviewing and voting on the amendment of the Zoning Ordinance and process changes as outlined in the Comprehensive Plan. The current proposed amendments to the zoning map and Zoning Ordinance include zoning designation changes to 17 parcels of property, the application of the Hinge Overlay District, the addition of the Design Review Committee and several needed updates and minor corrections to the Zoning Ordinance.

A large portion of the amended map ordinance included key parts of the amended redevelopment plan. Those current designations are General Industrial with a proposed designation change to Town Center. These areas include: property on the south side of Burlington Street including 7667 Burlington Street, 7655 Burlington Street, and 7577 Burlington Street in addition to the United Seed properties; the Granary properties located at 74th and Main Street; properties located at 7201 Main Street, 7301 Main Street and 5620 S. 72nd Street; the area headed south from Main Street on 72nd Street to the railroad tracks includes property at 5802 S. 72nd Street, 5702 S. 72nd Street, and a small parcel of land owned by the City. Additional properties included in the recommendation are the car lot located at the corner of 73rd and Main Street currently designated as General Commercial and the building at 5406 Miller Avenue to the west of City Hall presently zoned Limited Commercial.

The Hinge Overlay District is also being proposed for these properties as well as the current Town Center District and the General Commercial District located on 72nd and 73rd Street from Main Street north to the Papio Creek.

Important information concerning the changes has been provided to all property owners in the area. The current business will not be impacted. A future business at the same location will not be impacted if they maintain the same use category as a previous business. All permitted uses in a base zoning district will be allowed in the Hinge Overlay District with the exception of the uses listed in Chapter 4. New zoning regulations will apply if a property is left vacant for six months or longer. A significant exterior remodel or restoration of a property will require compliance with the base zoning district and the Hinge Overlay District. Properties facing east on 72nd Street from Main Street to the Papio Creek will not be required to adhere to the design guidelines. If a business is sold for a new use, then the new guidelines will apply.

City staff have spoken with nearly every property owner involved in the proposal and a few concerns have surfaced including the time period in which a property may remain vacant before it loses its non-conforming status. The Planning Commission addressed this by changing the six month proposal to 12 months. For property owners concerned about their ability to rebuild in the event of a disaster, the Planning Commission approved a change to make requirements based on the total tax assessed value of the property rather than the value of the structure itself. Concerns that the changes might eliminate the truck route or access to some businesses will be addressed through Resolution 2020-11 to memorialize the designation of certain streets as truck routes. Additional concerns regarding the transfer of non-conforming use in the event of a sale of property have been raised. City staff has spent time discussing this topic with property owners and will continue to do so as needed.

Hoppe clarified the concept of “use” and “use” categories as it relates to zoning. The business may continue with its current use however, use has a different meaning in zoning. As an example, United Seeds does have an operation that would fall under the use category of commercial uses, agricultural sales and services. If United Seeds sells their property, either the next business has to follow the uses allowed in Town Center or the same use of agricultural sales and service. That does not mean they must sell seeds but can sell some other agricultural product or something similar. Use means use categories as defined in the ordinances.

Hoppe also expanded on the reaction to what heard at the City level. Two amendments have already been adopted at the Planning Commission and are part of the proposal to the City Council. The first one is that if a business is vacant for six months, the new business would have to continue in the new zoning uses. It was pointed out that six months is a fairly short period of time for a business not to operate so that was changed to one year and right now the business could be vacant or not operating for a year before the new rules would have to be followed.

Another issue taken up by the Planning Commission was disaster-related. If there is a non-conforming use and 40 percent of the overall property value was destroyed in a disaster, the business would be able to rebuild under the old rules. If more than 50 percent destroyed, the assumption was insurance would pay for enough of what needs to be repaired that the business could relocate and there could be a use more consistent with Town Center zoning in that place.

Hoppe commented on the truck route resolution. The reason for the resolution is to make sure the route is clear and that businesses feel like there is a safe and established route to receive and send out goods and services.

Hoppe has requested a delay on the third readings of the ordinances. There was some concern among property owners to ensure they had the appropriate amount of time to assess the impact of the proposals and to ensure they had time to put together amendments to work with staff and City Council to get a proposal that worked well for everyone involved. The second readings will be at the next City Council meeting and then it will be about a month before the final reading will be done.

Hoppe commented on aforementioned non-conforming use and more than 50 percent destruction of the property. There was some interest in having that percentage be 100 percent where no matter what portion of the property was destroyed, it could be rebuilt under the same rules that existed before the zoning was changed. There was interest on the Planning Commission for that point of view, however, an amendment was not offered to that effect.

Hoppe commented on the instance of where a non-conforming use has another piece of property they want to develop for their business and what rules apply to that development. The property owners are looking to clarify that the old rules would apply that they are operating under to be able to follow the guidelines that existed before any of the changes were made. Hoppe said staff is exploring those issues and looking at how other communities are handling those issues.

Hoppe also commented on two other concerns raised. One concern is by the property owners that about the railroad tracks on the south side of Burlington Street. The owners have indicated that the Town Center zoning doesn't work well for their property because of its location. Thus, limiting the ability the opportunity to sell the property in the future because they are bound by only the uses of Town Center when their property is probably a little more industrial in character. Hoppe said some of those owners are looking for a wider set of uses for which their property could be used in the event of a sale. Hoppe said there are ways of doing that by amending the Hinge Overlay District.

Hoppe said that AAA Rents has requested to consider leaving the zoning for that business as General Industrial. They described a natural barrier that would make that easier to do.

Rich Onken, Planning Commission Chair, commented that the Planning Commission passed both the map and Zoning Ordinance changes and the amendments made to 4-24 to add provisions that were more favorable to the business owners.

Jeff Ray, JEO Consultants, indicated there were a couple definitions that needed to be added, uses were updated and the provisions were added in Section 4. There were also some provisions for procedural purposes that were updated in Section 12.

Ficenec indicated that one of the advantages of creating an overlay district is that there can be rules that are specific to just the overlay district. If the City Council wanted to create some additional protections for the businesses in the overlay district, it can be done just within the overlay district and not city-wide.

Ficenec commented on Section 12 of the Zoning Ordinance. There are quite a few changes in that section that are to enable the Design Review Committee and try to make it more consistent with language in state statute. He said that will change fairly significantly over the next few months as there are on-going discussions on how to streamline the process.

Johnny Farrell and Dan Rock, 9290 W. Dodge Road, Omaha, attorneys representing AAA Rents and Omega Chemical, appreciate Hoppe's comments on moving the time period from six to 12 months and the clarification on use. They also appreciate the suggestion of a two-week delay. They suggested an even further delay and indicated that communication has been difficult with COVID and suggested a five-month delay. On the project itself, it is a natural inclination for the City Council to be excited about this project, but just because a project is being proposed doesn't mean that it is perfect. It doesn't mean that it is fair to everyone. AAA and Omega don't feel that it is fair to them and they feel like it is a "taking" of the use of their property that they won't have the freedoms to do with their property as before.

In regards to AAA, 5620 S. 72nd Street, there is a triangle with 72nd Street on the east, the Ralston Trail on the west and the railroad tracks on the south. That triangle naturally doesn't fit with Town Center and is more characteristically in line with 72nd Street. There is a natural barrier of the trail itself, the railroad track. They are suggesting that the triangle be parceled out of the project and that it remain to be allowed its character of 72nd Street as compared to Town Center.

Mr. Rock indicated that Hoppe has been very helpful and has assured them that eminent domain would never occur. If eminent domain doesn't happen, the only way it occurs is if a developer buys the property and AAA asserts they have no intention of ever selling to a different use. The project as far as that parcel would never occur.

Mr. Rock indicated that Omega Chemical had a person that was ready to purchase their property, heard of the project and then backed out. Omega Chemical stands to deal with this now and Mr. Rock hopes to talk to the City later this week about buying the property now. They have been harmed by the suggestion of this project already. He believes there

is a “taking” involved here because it is limiting their freedom to do what they want with their property in the future.

Hoppe said that Mr. Farrell and Mr. Rock are excellent advocates for their clients and complimented them on their professionalism and their willingness to work things out. He clarified that he did not ever envision the City Council using eminent domain and he personally would not be supportive of it. However, he doesn’t have a vote. If the City Council chose to move forward with it, they could certainly do that. Hoppe said it wouldn’t be wise, but expressed that it couldn’t be guaranteed that it would never happen.

Groesser said the owner of AAA Components has spoken for a long time about selling his property. Groesser has never heard he is not going to sell to something that would not be the same use.

Krause appreciates that everyone is working to bring this to fruition and an end that is agreeable with everyone involved. This project is important to the City and the citizens.

Kavanaugh indicated he attended the Planning Commission meeting as well and he has been impressed with how well everyone has been working together on this to find the best path forward. There have already been some changes to accomplish and Kavanaugh believes there is more room to negotiate and come up with solutions that will be for the best of most people involved. Kavanaugh reiterated that this project is important to the City and to the long-term future of the City. He is in favor of seeing it go forward and is agreeable to delaying the third readings.

Preis appreciates all the information that has been shared. He commented on taking time to absorb the information.

Konwinski also attended the Planning Commission and there has been a lot of compromising with the businesses. She is excited about the project and delaying for a couple weeks or so would be fine.

Sanchez commended everyone that has spent so much time to get this to this point.

Groesser also thanked everyone. This has been a six-year process. LaDonna Johnson saw a wonderful project and her heart was with this. Groesser said it is his job to make sure Ms. Johnson’s wishes are met.

There being no further discussion, Groesser closed the public hearing at 6:33 PM. Ficenec commented on the procedure adopted early this year where votes would not be done on first reading, only on second and third readings. The City Council has the ability to deviate from that. However, Ficenec recommended not deviating because there were some different options discussed by Hoppe. Ficenec would prefer working those details out and coming back in a couple weeks for a more complete and finalized version to be voted on.

Groesser opened consideration of delaying third readings of Ordinance No. 1252,

Ordinance No. 1253 and Ordinance No. 1254 until the July 7, 2020 City Council meeting. Hoppe indicated there was some concern that there needed to be a slower process to allow adequate consideration of amendments and adequate consideration of the entire proposal. He offered the process as: second reading would be held on June 2, 2020 and prior to that meeting amendments will be reviewed with City staff and a determination made on what is going to be put forward to the City Council for vote. Then there would be a little over a month before there would be third and final consideration on July 7th. In that interim, any last minute changes could be reviewed and brought forward.

There being no further discussion, Sanchez moved and Kavanaugh seconded to delay third readings until the July 7, 2020 City Council meeting. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Kavanaugh introduced Ordinance No. 1255. Russell read Ordinance No. 1255 by title only: AN ORDINANCE TO REVISE AND AMEND ARTICLE 5 OF CHAPTER 5 OF THE RALSTON MUNICIPAL CODE, RECREATIONAL VEHICLES; TO PROVIDE FOR GOLF CAR VEHICLES; TO REPEAL ALL PROVISIONS OF THE RALSTON MUNICIPAL CODE WHICH ARE IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Leonardo commented that this was discussed earlier with some of the additions he would like to see in the ordinance if it were to pass. He wanted to go on record that he is against the ordinance for several reasons. Up until 2015 this ordinance was not available for cities. Leonardo doesn't think it is a good fit for Ralston because Ralston is not a golf community and does not have a golf course. He expressed concern with the traffic and this being a safety issue. Enforcement is also an issue and Leonardo commented on coding issues with Douglas County, with regards to fines and citations.

Hoppe indicated the first part of the ordinance defines what a golf car vehicle is and the characteristics it has to have, i.e., weight, ground speed, the maximum capacity. Section 5-530 lists when the vehicle will be allowed to operate and Hoppe said it is important to point out it is not envisioned to be year-round. It is envisioned to be a spring to late fall ability to operate the golf cars in Ralston. The ordinance also prohibits the operation on several streets in Ralston, 84th Street, 72nd Street, Harrison Street, L Street, 90th Street, and Park Drive west of State Highway 85. Also, golf cars will only be allowed on the streets between sunrise and sunset because many of the golf car vehicles don't have headlights and the City wants to ensure they are visible. The golf car vehicles cannot exceed 20 miles per hour nor operate on any street with a speed limit greater than 30 miles per hour.

Hoppe mentioned the registration process. The owners will have to prove they have an operator's license, proof of liability insurance, and they will receive a sticker for the front and the rear of the cart to show the car has been registered with the City and that it is legal to be on Ralston streets. There is a liability coverage requirement so the City can ensure that if something does happen, the liability issues are resolved by the insurance. Hoppe

commented on the \$100 fine listed in the ordinance and that there are some coding issues. Hoppe will try to get that sorted out before moving forward at the next council meeting, but if that is unable to be done, he recommended having a delayed effective date that allows staff to continue to try to work it out.

Ficenec said state law does give municipalities the ability to pass these ordinances. Leonardo is correct in that there will be some logistical issues for enforcement that will have to be sorted out. Ficenec encouraged the suggestion by Hoppe about delaying the implementation until it is sorted out.

Krause said he was indifferent about the ordinance but he has been receiving feedback from residents that they don't think it is a good idea relative to safety and operating golf cars on certain streets. If there are issues, they need to be sorted out. He is getting more feedback about not doing this than doing this.

Kavanaugh appreciates the discussion that there is more work to be done to alleviate the concerns. He thinks there will be more people interested in doing this than is suspected but doesn't think it will be hundreds of people with golf cars. Kavanaugh commented on the previous discussion of a parking issue and said that people who would drive a golf car downtown would be the same people who would otherwise drive a car. One parking space would be exchanged for another, but in reality, two golf cars could fit in one parking spot. Kavanaugh does believe it would be worthwhile to make sure all the safety concerns are addressed before this is brought forward.

Preis agrees fully with Leonardo and commented on the safety concerns and on a previous discussion where golf car vehicles would fit in well with the Hinge Project. Preis questioned that because the City is trying to redo the downtown to build revenue and commented on getting the revenue from outside the City of Ralston. Visitors to Ralston are not going to bring golf cars into town and he doesn't see the advantage to the Hinge Project. Preis said that no one in his neighborhood is in favor of this. It will do no one in his ward any good because they cannot get out of the neighborhood with the restrictions on 84th Street, Harrison Street, 90th Street and Park Drive. Preis is not in favor of this at this time.

Fideline said he is against this due to the safety issue and commented on not requiring hazard lights, seatbelts. He said if things get going downtown for the Hinge Project that is the time to look at this.

Konwinski said she has been going back and forth on this and commented on the safety issues, specifically no helmets and no seatbelts. With the Hinge Project, people will be walking places and the golf car vehicles cannot be driven on sidewalks. Konwinski has only had one resident contact her and that person was very much in favor of the ordinance.

Dennis Tribbie, 6760 S. 75th Avenue, is in favor of the ordinance. He agrees with the safety concerns and has done some research into the golf cars. There is a golf car made that is specific to be used on City streets. It has seatbelts, headlights, turn signals, hazard lights,

a horn, a full wind screen with a windshield wiper and runs 25 miles per hour. Tribbie commented on his wife using it to drive to work which will have less impact on the environment. He agreed with the safety issues and the concerns of enforcement and added that if the ordinance is passed, there needs to be a specific type of golf car that can be used.

Tammi Bray, RABA, would like this to be considered as RABA does currently use a golf car during practices and games. She commented on the equipment contained on the golf car and asked that the City Council consider RABA's situation when they consider the ordinance.

Kavanaugh introduced Resolution 2020-11. Russell read Resolution 2020-11 by title only: a resolution memorializing the designation of certain streets as truck routes in the City of Ralston, Nebraska.

Hoppe said one of the concerns of the businesses near the Hinge Project they wanted to make sure was solved was memorializing the truck route. He read the route designation on the resolution. It is quite important for some of the businesses near the Hinge District and one of the things that Hoppe wanted to get accomplished in reaction to the comments. He asked the City Council to consider the resolution.

Ficenec indicated that what is contained in the resolution is already law in Ralston. It was passed by Ordinance No. 687 many years ago. The issue is that it was not published in the municipal code so it is not readily available. For that reason, he thinks the resolution is a good idea and encouraged that the City Council pass it. Ficenec pointed out that the first paragraph of the resolution indicates that trucks may deliver and pick up goods and merchandise and they can leave truck routes to do that. He wanted the business owners to be comfortable that even if there were no truck routes in Ralston, it would not cut off access for trucks to be able to service their businesses because that is currently allowed by law in Ralston regardless of the truck routes.

There being no further discussion, Preis moved and Konwinski seconded to approve the following resolution.

RESOLUTION MEMORIALIZING)
THE DESIGNATION OF CERTAIN) RESOLUTION 2020-11
STREETS AS TRUCK ROUTES IN)
THE CITY OF RALSTON, NEBRASKA)

WHEREAS, Neb. Rev. Stat. 60-681 and §5-203 of the Ralston Municipal Code provides that "The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality."

WHEREAS, in 1979, Ordinance No. 687 was passed by the Ralston City Council designating a truck route in the City of Ralston.

NOW THEREFORE BE IT RESOLVED by the Ralston City Council and the Mayor of Ralston, Nebraska, that this resolution memorializes the truck route established in 1979 and the route designation is as follows:

Route Designation:

All trucks entering the city from the west or south shall enter the city limits from the south at 78th Street and Harrison Street, north on 78th Street to Serum Avenue, east on Serum to 77th Street, north on 77th Street to Burlington Street, east on Burlington Street to 75th Street, north on 75th Street to Main Street, east on Main Street to 72nd Street.

All trucks entering the city from the east and north shall enter the city from 72nd and Main Streets and shall follow the route heretofore prescribed in reverse manner.

PASSED AND APPROVED this 19th day of May, 2020.

CITY OF RALSTON, NEBRASKA
By: /s/Donald A. Groesser, Mayor

Attest:
/s/Rosemarie Russell, City Clerk

Approved as to form:
/s/Donald F. Ficenec, City Attorney

On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened for consideration the appointment of Dennis Tribbie to the Community Redevelopment Authority. Hoppe commented on the briefing at the last City Council meeting with regards to the Ralston Economic Development Corporation. The Ralston Economic Development Corporation is a community effort to execute the work of the Hinge Project and serve as a bridge between the private sector and government. Other communities use it to execute this work and it works very well. The articles of incorporation were approved and it has membership from the Chamber of Commerce, the Ralston Area Foundation and from the City. However, the rules in the articles of incorporation specify that there is limitations on City involvement. One of the limitations is that no more than two members can be part of a Community Redevelopment Authority because it is perceived that there could potentially be a conflict. As a result of that, Groesser would have been the third CRA member on the RED and he agreed to step aside from the CRA and be part of the RED. Hoppe said that is why the Council members are being asked to consider the appointment of Dennis Tribbie as a CRA member and are being

asked to confirm the City appointments to the RED of Donald Groesser, Tom Kjar and Michael Sanchez as the City representatives.

Dennis Tribbie thanked the City Council for the consideration.

There being no further discussion, Kavanaugh moved and Sanchez seconded to approve the Mayor's appointment of Dennis Tribbie to the Community Redevelopment Authority. On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration to confirm appointments of Donald Groesser, Tom Kjar and Michael Sanchez to the Ralston Economic Development Corporation. Preis moved and Fidelity seconded to confirm the appointments of Donald Groesser, Tom Kjar and Michael Sanchez to the Ralston Economic Development Corporation. On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Public Comment: There was no public comment.

Council Comment: Krause suggested the City Council say "yes" and "no" rather than "yay" and "nay". Groesser said he just received an update that the City of Seward has cancelled their 4th of July parade. Groesser commented on the Hinge Project. It is really important and continues to move forward. Ralston has some great things happening and this will give the City a lot of opportunities. He thanked everyone for their support and work. Sometimes there are not easy decisions, but the City will move forward.

There being no further business to come before the Council, the meeting adjourned at 7:12 PM.

The next regular meeting is Tuesday, June 2, 2020 at 5:30 PM.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS-5-19-2020-AA Wheel and Truck Supply, Inc., 73.68, Parts; Access Systems Leasing, 2,723.33, Printers/Copiers; Agrivision Equipment Group, 79.38, Parts; Airgas USA, LLC, 264.26, Supplies; Better Containers Mfg Co., Inc., 290.50, Book Bags; BKD LLP, 6,000.00, Professional Services; Caselle, 876.00, Caselle Support; Cavanaugh Macdonald Consulting, 275.00, Benefit Calculation; CCL Supply, LLC, 141.22, Supplies; Century Certified Services, 129.00, Pest Management/Control; City of La Vista, 853.44, Special Services Bus; City of Omaha Cashier, 32,557.00, Utilities; Cox Business Services, 1,880.31, Telephone/Cable; Diamond Laundry Service, Inc., 24.95, Laundry; Dude Solutions, Inc., 4,000.00, Professional Services; DXP Enterprises, Inc., 390.94, Supplies;

Eakes Office Solutions, 301.83, Supplies; Factory Motor Parts Co., 79.98, Parts; Fireguard, Inc., 63.25, Fire Extinguisher Recharge; Fleek, Brianna, 120.00, Janitorial; HDR Engineering, Inc., 9,280.04, Hinge Planning & Design; Houghton Bradford Whitted PC, LLO, 10,000.00, Professional Fees; IIMC, 170.00, Annual Membership Dues; Integrated Solutions, Inc., 4,705.00, Services; JEO Consulting Group, Inc., 1,461.24, Master Plan Zoning; Michael Todd & Co., 88.56, Supplies; Mid-American Benefits, Inc., 1,892.44, Participant Fees; Nebraska Iowa Supply Co., Inc., 1,169.33, Fuel; OCLC, 365.21, Cataloging and Metadata; Omaha Public Power District, 12,378.04, Utilities; O'Malley, Margaret, 88.00, Janitorial; One Call Concepts, Inc., 61.09, Locate Fees; Publishers Prime, 14.23, Books; Quality Tire, Inc., 232.00, Parts; R Mechanical, LLC, 7,667.81, Repairs; Ralston Automotive, 391.45, Services; Ralston-Byers Insurance Agency, 225.00, Bond Renewal; Justine Ridder, 4.99, Reimbursement; Suburban Newspapers, Inc., 483.75, Legal Publications; Talx UC Express, 76.40, Services; Titan Machinery-Omaha, 3.95, Supplies; Ultra Bright Lightz, 166.24, Parts.