

Ralston City Council Regular Meeting
Tuesday, December 3, 2019

The Ralston City Council met in regular session on Tuesday, December 3, 2019 at 5:30 PM at Ralston City Hall. The Pledge of Allegiance was recited. 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 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.

Deacon Lonnie Dinneen, St. Gerald Catholic 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.

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

1. Minutes from the November 19, 2019 regular city council meeting;
2. Claims; and
3. Department Head and/or Commission Reports.

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

Leonardo reported the Police Department just completed the Click It or Ticket grant. The program resulted in two DUI arrests, one felony arrest for possession of a controlled substance, one warrant, and 31 citations were issued.

Krajewski reported on arena events: Dancing with the Stars, Chris Janson, Baby Shark; Peppa Pig; hockey weekend and some banquets. Krajewski said there is a pending offer on a country show in May and a confirmed Christian show for June, hoping to hear back about a classic rock show in August, holding dates for a country show in March/April; and working for an unnamed country artist in October. The Operations Department is preparing to install a service window in the Silver Bullet Lounge. Krajewski reported they are working on a new website that will comply with ADA regulations.

Groesser opened discussion on a draft revised Community Development Block Grant Reuse Fund Administrative Plan. Grant Anderson, MAPA, spoke about some of the new policy guidances that have come down from the Nebraska Department of Economic Development as it relates to the use of CDBG (reuse) program income funds. The City of Ralston has approximately \$154,000 in the reuse funds. The state has authorized communities to hold on to those funds to be used as a local revolving loan fund. The program funds are hard to use and hard to revolve mainly because CDBG is a federal program of Housing and Urban Development and there are cumbersome federal guidelines attached to the use of those funds.

If Ralston were to make a loan to a business, there would need to be a low level environmental review done. If there were to be any public procurement, guidelines would need to be followed and if there is a project that involved new construction, there is a requirement of paying federal wages to the workers which increases the project cost.

It is usually hard to get this money out the door but the state has come out with new guidance as of August 2019 which allows communities to use their funds for any CDBG eligible activity. Anything a City chooses to do needs to meet one of the HUD national objectives. That usually means benefitting principally an area that has at least 51 percent LMI persons as well as generating jobs that benefit 51 percent of people from LMI households.

Ralston has two options of what to do with their current funds. The first option is to discontinue the fund and return the money to the state. The second option is if the City wants to continue to manage the fund and use it down the road for future projects, the City would need to amend its administrative plan which governs how the funds are used. Anderson provided a draft of the plan; however, NDED has indicated that it is not really enough that the plan is being updated and the activities are being broadened. The state wants to see a plan that has objectives and actual projects tied to the objectives that could be carried out within 24 months of approving the new plan.

MAPA has assisted the City over time in administering their CDBG program. Anderson recommended if the City chooses to amend the plan, it would be beneficial to have a committee formed to discuss what kind of projects that could feasibly be put in an amended plan to make it acceptable to the state. The state has given communities with the funds until June 30, 2020 to use the funds. Forrest indicated it is important to note that the state is looking for a real concrete project to use the funds. The money doesn't need to be spent by June, but the state will need to see activity.

Krause commented on the money being used for housing. Anderson said the City would be able to use the money for a down payment assistance program; however, it would need to be a program that benefits LMI individuals. Discussion was held on limitations and restrictions for housing and CDBG funds. Anderson said theoretically there could be some type of project package that would involve using the money for rental properties, occupied rehabilitation, and down payment assistance. Konwinski inquired if apartments were built using CDBG money, wouldn't it be a requirement that the rent would have to be kept at a certain level. Forrest said that if CDBG money is used for an apartment building, certain units would have to be dedicated to LMI individuals. Anderson dissuaded council members from any funds that would involve any sort of construction related activities because it will make the project much more expensive.

Klinker inquired how this program would fit in with infrastructure. Anderson said Ralston is not a LMI community by state HUD definitions. He commented on eligible activities and going to census tract LMI and suggested sidewalk repairs and projects of that sort. Forrest commented on finding a neighborhood that is LMI and the City can do street work, sidewalks, and sewer projects. That is something the CDBG Committee would review.

Dr. Adler indicated that there are 60 percent of students in poverty in the Ralston school district. Discussion was held on the LMI neighborhoods in Ralston. Forrest indicated that the neighborhoods above the railroad tracks would be LMI as that is where the Opportunity Zone qualified.

Groesser read a proclamation declaring November 25, 2019 as Dr. Mark Adler Day in the City of Ralston in honor of the occasion of Dr. Adler receiving the Nebraska Superintendent of the Year award for 2019.

Groesser opened elections for City Council President. Konwinski nominated Jerry Krause as City Council President and moved that nominations close. Seconded by Kavanaugh. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried. Groesser extended his appreciation to Krause for all he does for the City.

Groesser opened consideration of his appointments and reappointments to boards and commissions, as follows:

- a. Civil Service Commission: Dennis Parsley, Larry Forman, Dan Walsh, Bradley Ryan
- b. Community Redevelopment Authority: Brian Kavanaugh
- c. Park & Tree Commission: Bob Tourek, Zach Perkins
- d. Planning Commission: Jessica Saab, Jeff Sinnett, Dan Boyer, Mark Krzemien, Steven Bode

Krause moved and Fideline seconded to approve the Mayor's appointments and reappointments to the boards and commissions. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration of his appointment of JEO Consulting Group, Inc. as City Engineer. Krause moved and Konwinski seconded to approve the appointment of JEO Consulting Group, Inc. as City Engineer. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened the public hearing and first reading of Ordinance 1242 to amend Article 11: Sign Regulations of the City of Ralston Zoning Ordinance at 5:59 PM. Rich Onken, Planning Commission Chair, indicated that the Planning Commission reviewed and amended the sign regulations. He reviewed the amendments which include: the open signs on the front of buildings required to be seven feet off the ground; feather flags that are permitted on private property; real estate signs with time limits; allowing sandwich boards of certain dimensions. Onken indicated that one of the most controversial issues with the downtown merchants was not allowing banners on railings. However, banners can be attached to the buildings. Ficene said there are no height regulations on the banners.

There being no further discussion, Groesser closed the public hearing at 6:02 PM. Konwinski moved and Krause seconded to approve Ordinance 1242 on first reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Krause introduced Ordinance No. 1243. Russell read Ordinance No. 1243 by title only: AN ORDINANCE TO REVISE AND AMEND CHAPTER 6, ARTICLE 5, SECTION 624 OF THE RALSTON MUNICIPAL CODE, PARKING-DESIGNATED SNOW EMERGENCY ROUTES, TO INCLUDE THE RALSTON VILLAGE PUD; TO PROVIDE FOR THE REPEAL OF 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.

Groesser opened the public hearing and first reading of Ordinance 1243 at 6:03 PM. Groesser indicated this is to add the Ralston Village area to the snow emergency routes. The streets in that area are very narrow and it is difficult to get the snow plows through when cars are parked on the street. This ordinance adds Ralston Village to the snow emergency route and residents will be required to move their cars.

There being no further discussion, Groesser closed the public hearing at 6:04 PM. Krause moved and Kavanaugh seconded to approve Ordinance 1243 on first reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration of the proposal to conduct Historic Research Services from Historic Resources Group, HRG, in the amount of \$14,654.00. Konwinski indicated representatives from Ralston's Historic Preservation Committee met with the Historic Commission in Lincoln to establish a historic preservation area in Ralston. The state commission will be able to help determine the history of the buildings in Ralston including building dates, information on their architecture, and the buildings importance to the City. Konwinski said this will help the businesses receive grants, CDBG money and help the City set guidelines for new buildings to conform to what is currently in Ralston.

Konwinski said the State Historic Commission suggested the first step is to get a research project going. So, the City solicited proposals and received three proposals for Historic Research Services. The Historic Preservation Committee felt the proposal from Historic Research Group (HRG) was the best fit. The Ralston Community Foundation and the Archives Committee have both committed to cover the cost for the Historic Research Services project.

Groesser expressed appreciation to the Archives Committee for their assistance. Twenty-six buildings have been identified as historic and Groesser said this will provide a great history of the downtown buildings. With the promotion of the Hinge project, this will be a great addition to that as well.

There being no further discussion, Konwinski moved and Preis seconded to approve the proposal to conduct Historic Research Services from Historic Resources Group, HRG, in the amount of \$14,654.00. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration of the resignation of David Forrest, City Administrator. Preis moved and Fideline seconded to accept the resignation of David Forrest with the change of date to December 4, 2019 for final employment date. Krause commented on giving a person time. Preis said the Omaha World Herald indicated that Forrest turned in his resignation three or four weeks ago and now he is asking for another four weeks. Preis questioned how much notice the City gives. There are many places when you turn in your letter of resignation, you are shown the door immediately or even escorted off the property. It is going to cost the City several thousands of dollars to employ Forrest through the end of December. He is not comfortable with Forrest continuing to work and negotiate with other entities and dictate to departments what should or should not be done when he is not going to be here.

Krause said the resignation was to be effective the end of December. Forrest has talked to individuals about his resignation but did not officially resign. Konwinski doesn't feel comfortable with moving the date to December 4th. She feels Forrest has continued to work very hard to make sure the projects are completed and she would like to see that continue until that date. Kavanaugh indicated that there also needs to be time for the transition. It would be good to have Forrest and the new City Administrator work together during the transition period.

Krause said there is unfinished business that he would hope that Forrest as a conscientious City Administrator will help the City complete. The unfinished business includes: the plan for the Public Works Department; the Hinge Project, some finalization on the parking study and other things that Forrest has been instrumental in getting started. Krause is not ready to see him walk out the door.

Preis inquired how the employee manual addresses resignations and Forrest said it is two weeks' notice as a minimum. Forrest said if it going to relieve some controversy, he could accept making December 4th his last day.

Preis moved and Fideline seconded to call the question to stop debate. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Krause, Sanchez, and Preis. Nay: Kavanaugh. Absent: None. Motion carried.

Groesser called for the vote on the motion to accept the resignation of David Forrest effective December 4th. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline and Preis. Nay: Konwinski, Kavanaugh, Krause, and Sanchez. Absent: None. Motion failed.

Krause moved and Kavanaugh seconded to accept the resignation of David Forrest, City Administrator, effective December 31, 2019. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fidelity, Kavanaugh, Krause, and Sanchez. Nay: Preis. Absent: None. Motion carried.

Public comment: Jan Gorman, 6609 S. 83rd Avenue, reminded everyone about the Carroll Towne Village at the Library. It is an amazing display of villages.

Alex Fernandez, 5619 S. 77th Street, speaking on behalf of the downtown business community, thanked everyone for supporting Small Business Saturday. There was a fantastic turnout and it was great to see so much support downtown. He reminded everyone to think about shopping small this holiday season as well as throughout the year.

Amy Roeder, Chamber President, thanked everyone that helped with Holiday Magic. There was a great turnout to see Santa in the Council Chambers. Groesser said there were over 200 people in attendance. Great Western Bank provided the carriage rides. Sojourn Café provided the cookies and hot chocolate. Groesser thanked all the departments for assisting with the event.

Troy Jamison, 5204 S. 81st Street, commented on the third and final reading of Ordinance 1235, parking of recreational travel trailers. He commented on the ordinance being sent back to the Planning Commission because of the concerns about the length restrictions. The Planning Commission sent the ordinance back to the City Council upholding the language in the existing ordinance with regard to the length of recreational vehicles parked in the front. The Planning Commission also added a 45-foot restriction if parking in the rear or in a side yard as well as parking on a hard surface. Jamison said one of his questions is if something is sent back to the Planning Commission and sent back to the City Council, does the process start over. He said that he was informed that it does start over and he thought it would be open to more debate. He also inquired about enforcement and the fines if someone does have a travel trailer in their back yard that is not on a hard surface as well as if someone has a travel trailer or recreational vehicle parked in the front that is over 20 feet. Jamison commented on the City-owned alley at his back yard and inquired about the dispute process.

Klinker asked that Jamison provide a written summary of the issue to the City Clerk and it can be placed on the City Council agenda as an agenda item for discussion at a future meeting.

Kari Valla, 6218 S. 72nd Avenue, spoke as a citizen and as an employee of the City. She commented about the addition of Ralston Village as a designated snow emergency route and inquired where the residents are expected to park. She indicated she will be the one getting the calls. Krause said they have driveways and will have to move their cars until the snow is shoveled. Krause said that the City met with residents of Ralston Village who asked the City to do something about the snow plowing. Krause commented on the signs that will be erected.

Council comment: Krause said that Forrest has been a very good City Administrator for the first City Administrator of Ralston. There have been conflicts, a lot of them may be personality issues, but he has done a lot of good for the City. Krause said that he helped Ralston become an Opportunity Zone which will open a lot of doors for the City. Forrest guided the City through all types of projects for the Hinge development plan. There are many projects that Forrest has worked on and Krause would like him to continue to work on until he walks out the door. Krause said Forrest has done a lot of good and he appreciates it. Forrest has found a lot of things going on in the City that needed fixing and Krause thanked Forrest.

Groesser wished Mrs. Fuller a happy 96th birthday and asked everyone to stay for cake. Mrs. Fuller thanked everyone.

There being no further business to come before the Council, the meeting adjourned at 6:30 PM.

The next regular meeting is Tuesday, December 17, 2019 at 5:30 PM.

/s/Rosemarie D. Russell
City Clerk

/s/Donald A. Groesser
Mayor

CLAIMS – 12-03-2019 – AFLAC, 795.00, Insurance; Amazing Lawns & Lighting, 613.50, Services; American United Life Insurance, 1,045.10, Life Insurance; Ameripride Services, Inc., 104.23, Building Maint/Rugs; Asphalt & Concrete Materials, 235.93, Asphalt; Black Hills Energy, 1,297.58, Utilities; Blue Cross & Blue Shield of NE, 41,122.42, Health Insurance; BMI Janitorial Group, 325.00, Janitorial; BOK Financial, 1,250.00, Bond Trustee Fee; Cengage Learning, Inc., 192.48, Books; Century Certified Services, 120.50, Pest Management/Control; City of La Vista, 1,007.72, Special Services Bus; City of Omaha Cashier, 84,940.29, Sewer Billing; City of Ralston Lottery Jackpot Fund, 4,335.23, Transfer to Lottery Jackpot Account; Cognito Forms, 14.00, Forms; Cox Business Services, 588.71, Cable/Telephone; Display Sales Co., 2,485.00, Decorations; Eakes Office Solutions, 518.76, Office Supplies; Echo Group, Inc., 196.76, Parts; First State Bank, 3,478.85, Loan; Fleek, Brianna, 120.00, Janitorial; Forrest, David, 84.52, Reimbursement; FP Mailing Solutions, 66.00, Postage; Fraternal Order of Police, 660.00, Dues; Great Plains Uniforms, LLC, 449.49, Uniforms; Great Western Bank – Pension, 22,912.38, Pension; Great Western Bank – Visa, 3,632.40, Miscellaneous; Great Western Bank–Wealth Management, 15,000.00, Pension; Groesser, Donald, 1,212.10, Reimbursement; Grunwald Mechanical, 9,861.30, Ralston Arena Piping Project; Humana Insurance Co., 2,079.39, Vision/Dental Ins; Integrated Solutions, Inc., 405.00, Software License; JEO Consulting Group, Inc., 6,190.90, Engineering / Assessment Fees; Klinker, Mark, 1,000.00, Retainer; Library Ideas, 232.88, Books; Menards-Ralston, 741.61, Supplies; Michael Todd & Co, Inc., 730.96, Lights; Mid-American Benefits, 1,850.44, Benefits; MUD-Utilities, 312.67, Utilities; Nebraska Iowa Supply Co., Inc., 2,771.54, Fuel; Nebraska-Iowa Ind Fasteners, 31.47, Supplies; Nebraska Secretary of State, 30.00, Services; OCB Plumbing, 250.35, Service Call; OCLC, Inc., 365.21, Cataloging and

Metadata; Omaha Douglas Publ Bldg Comm, 7.00, Parking; Omaha Public Power District, 12,807.92, Utilities; O'Malley, Margaret, 264.00, Janitorial; OMNI Engineering, 217.76, Supplies; One Call Concepts, Inc., 60.74, Services; Papillion Sanitation, 29,386.28, Trash Collection; Ralston Automotive, 41.86, Oil Filter & Battery; Ralston Recorder, 38.95, Renewal; Ralston Volunteer Fire Dept., 16,737.00, Fire Protection Agreement; Ralston-Byers Insurance Agency, 600.00, Council/Mayor Bonds; Recorded Books, Inc., 147.84, Books; Rose Equipment, Inc., 135.78, Parts; Sarpy County, 1,824.00, Animal Control; Scott A. Dombeck, 125.00, Payroll Correction; Sentrixx Security Solutions, 1,168.00, Labor; Sign It, 75.00, Supplies; Sleuth, 217.00, Software Support; Suburban Newspapers, Inc., 1,284.06, Legal Publications; Tractor Supply Co., 73.94, Supplies; TransUnion, 50.00, Services; Travelers, 42,960.00, Insurance; Vander Hagg's Inc., 200.00, Parts; Verizon, 1,169.78, Cell Phones; Voya Institutional Trust Company, 2,600.00, Pension; Walmart Community, 238.34, Supplies; West Omaha Winsupply, 334.02, Supplies; Wex Bank/Shell, 183.82, Fuel.