

Ralston City Council Regular Meeting  
Tuesday, February 18, 2020

The Ralston City Council met in regular session on Tuesday, February 18, 2020 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, Kavanaugh, Krause, and Preis. Council members Fidelity and Sanchez were absent. 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.

Pastor Lynette Janssen, Ralston United Church of Christ, 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 following building permits were approved: #20-001 to DWM Holdings, LLC, 62 Country Club Road – Install new electrical panels - \$2,400.00; #20-002 to Cline LLC, 8400 Harrison Street – Convert pole sign to monument sign - \$5,060.00; #20-003 to Katherine C. Humphrey, 5024 S. 80<sup>th</sup> Street – Remodel bathroom (plumbing) - \$3,000.00; #20-004 to Bruce L. Behers, 7441 Washington Street – Replace HVAC system - \$12,162.00; #20-005 to Dean A. Wittkop, 5300 Woodlawn Avenue – Repair sewer, curb, water softener - \$15,016.00; #20-006 to Bronte Holding LLC, 8045 Main Street – Repair sewer - \$3,400.00; #20-007 to Klinker Golden LLC – 5025 S. 80<sup>th</sup> Street – Replace HVAC system - \$5,752.00; #20-008 to Kevin M. Turner, 6205 S. 79<sup>th</sup> Circle – Replace A/C and furnace - \$15,000.00; #20-009 to Katherine C. Humphrey, 5024 S. 80<sup>th</sup> Street – Electrical-bathroom remodel - \$1,320.00; #20-011 to Glad Wsy Sunset LC, 7608 Sunset Drive – Replace Water Heater - \$1,000.00.

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

1. Minutes from the February 4, 2020 regular city council meeting;
2. Claims;
3. Monthly Financial Report and Ralston Arena December 2019 Financial Report
4. Department Head and/or Commission Reports.

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

Freshman reported the Public Works Department has begun cutting trees. One of the Public Works Department employees is a certified arborist and he is working on training other employees and assisting with the tree cutting. Freshman reported new wiring has been pulled in his building to help with signals and computer issues. Once the asphalt box is repaired, the Public Works Department will be repairing potholes.

Bohling reported the January report and the Ralston Arena December financial statements are included in the council packets. Bohling reported the sales tax receipts for December 2019 sales are \$140,000 which is a new high amount. Year to date, the sales tax receipts are \$57,000 ahead of last year. Bohling reported the 779 tax deposit for this month is \$770,000, compared to last year of \$692,000. Year to date, the City has received over \$180,000 in the 779 tax deposit over last year's receipts.

Ficenec reported at the last council meeting he interrupted a gentleman who was speaking and he issued a partial apology in that he wasn't tactful in the way he did it. Ficenec provided an explanation of how the meetings are to be conducted. The meetings have a structure to them for the efficient conduct of a government in open and public. It is not intended to be a debate or a town hall. When a person has the floor to speak, it is that person's opportunity to give their opinions and/or arguments. It is not intended to be the opportunity for that person to engage in debate.

If someone is recognized by the chair and it is their opportunity to speak, Ficenec said not to expect a response from the council because it is the time for the person at the podium to speak. Once the public is done speaking and it is up to the council, a council member can decide to take their opportunity to respond if they wish. Ficenec commented on keeping comments within that structure.

Halbur reported the state library requires all public libraries to send in a survey annually indicating events held at each library. That survey was due last week and has been submitted to the state. This allows the Baright Library to receive state aid.

Next month, the youth librarian is starting a new program at the library. On Wednesday mornings at 10:30, there will be free sensory testing from several organizations in the area. It will include speech, vision, dental, and touch and is for pre-school children.

Krajewski reported on arena events. Cody Jinx presented a great show and it was one of the highest grossing food and beverage nights. Ralston Arena has a new website and it is much more user friendly. There is a big announcement next week for a new concert that will take place in August. The Lancers will play this weekend and there is a Beer Festival on Saturday. Krajewski said they are still holding two dates for a country show in October and two other dates with LiveNation are pending.

Russell reported the Eagle Scout who will be presenting his project later in the meeting has revised his presentation and copies of the revised presentation have been distributed.

Hoppe extended an invitation to the next phase of the Hinge Project. HDR will hold a visioning workshop on the 5 Points intersection on February 27, 2020 from 6:00 PM to 9:00 PM at the Ralston Arena Side Room.

Grosser opened consideration of Emerson McCall's Eagle Scout Project. McCall has been affiliated with Ralston Boy Scouts for approximately eight years and with Ralston Baseball for a couple of years. McCall is 13 years old and plans to do the project in spring

or fall of this year. He presented information on his project which is the Ralston Baseball Pierson Sign and Bleachers Project. Bleachers in Pierson Field have cracked fiberglass, rotting and warping wood. McCall's recommendations for Pierson is to replace fiberglass and warped/rotting wood boards with matching new pressure-treated wood planks. Waterproofing exterior wood stain will be applied to the planks. The total approximate cost for Pierson bleachers for the wood and hardware is \$535.00.

The second part of the project was to replace the Pierson sign; however, that has been changed. The sign is not in good condition and consists of Styrofoam on the inside of the sign. McCall said he was able to wobble the sign easily with his hands. There are also missing bricks and bricks that were unstable.

McCall met with the Parks and Tree Commission and the Commission and RABA recommend removing the sign and brick platform and sodding the area. Also part of the project is the purchase of wasp/hornet traps. The total estimated cost for the entire project is \$730.00. McCall is willing to remove the sign as part of the project and RABA will be responsible for updating the platform. Groesser and Krause commended McCall on his presentation. Groesser told McCall to let the City know when the project is completed.

There being no further discussion, Krause moved and Konwinski seconded to approve Emerson McCall's Eagle Scout Project. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Krause introduced Ordinance No. 1245. Russell read Ordinance No. 1245 by title only: AN ORDINANCE PROVIDING FOR THE SALE OF REAL PROPERTY COMMONLY KNOWN AS 7630 PARK DRIVE, RALSTON, NEBRASKA; DIRECTING THE CONVEYANCE OF SUCH REAL PROPERTY AND THE MANNER AND TERMS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

Groesser opened the public hearing and third reading of Ordinance 1245 at 5:51 PM. Dave Cotton, 8825 N Street and owner of Small Engine Services at 5705 S. 77<sup>th</sup> Street, indicated it is clear that the parking lot's days are numbered. He inquired when the parking lot will close and if the diagonal parking on Park Drive will be finished before the parking lot closes. Cotton has been told he can get a loading zone and inquired if that and the other parking controls will be in place before the parking lot closes. Cotton inquired about the progress on parking ordinances. He has heard a number of proponents of the sale indicate that it will be figured out. There needs to be the same sense of urgency to figuring it out as there has been to getting the deal done.

Hoppe indicated he has been trying to do some work on time limits and some of the other recommendations from the parking study and he hopes to bring in the Parking Steering Committee to talk about those type of issues. Hoppe has compiled an array of possibilities of what might be done on each street. He hopes the Parking Steering Committee will give some guidance and then pull together the business owners and others in the community and have a larger conversation on how to make it all work. Hoppe said that Cotton's point

about a sense of urgency on this is “spot on”. He told Cotton that he can rest assured if this ordinance is moved forward tonight, the process of time zones and loading zones and parking arrangements for employees and public will be moved forward.

There being no further comments, Groesser closed the public hearing at 5:54 PM. Krause moved and Kavanaugh seconded to approve Ordinance 1245 on third reading. Preis commented it is the wrong time and wrong place to start this. He hopes it works but would really like to have seen more answers to the questions before this went forward. At this time, he still doesn't support the sale of the parking lot.

There being no further discussion, Groesser called for the vote: on roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, and Krause. Nay: Preis. Absent: Fideline and Sanchez. Motion carried.

Ficenc indicated that three votes being the majority is sufficient to pass the ordinance. The only time a fourth vote is required is when State Statute requires a majority of all members elected to the council which is not required for the sale of real estate. Ficenc said because of the slight discrepancy that is between some various provisions in the state law and to make sure that it is absolutely clear and on the record, he asked the Mayor to enter on the record how he would vote if his vote were required to provide the fourth vote. Groesser voted “Aye”.

Konwinski introduced Ordinance No. 1246. Russell read Ordinance No. 1246 by title only: AN ORDINANCE REVISING SECTION 1-203 OF THE RALSTON MUNICIPAL CODE TITLED “ELECTED OFFICIALS; MAYOR; MAYORAL SUCCESSION” TO ADOPT STATUTORY CHANGES AND BRING SAID SECTION INTO CONFORMANCE WITH STATE LAW; TO REPEAL PROVISIONS IN CONFLICT THEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Groesser opened the public hearing and second reading of Ordinance 1246 at 5:56 PM. Groesser indicated this ordinance and the next ordinances are housekeeping ordinances to adopt statutory changes and bring the Municipal Code into conformance with state law.

There being no discussion, Groesser closed the public hearing at 5:56 PM. Konwinski moved and Kavanaugh seconded to approve Ordinance 1246 on second reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Kavanaugh moved and Konwinski seconded to waive third reading of Ordinance 1246. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Kavanaugh introduced Ordinance No. 1247. Russell read Ordinance No. 1247 by title only: AN ORDINANCE REVISING CHAPTER 1, ARTICLE 8, OF THE RALSTON MUNICIPAL CODE TITLED "ORDINANCES" TO ADOPT STATUTORY CHANGES AND BRING SAID ARTICLE INTO CONFORMANCE WITH STATE LAW; TO REPEAL PROVISIONS IN CONFLICT THEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Groesser opened the public hearing and second reading of Ordinance 1247 at 5:57 PM. There being no discussion, Groesser closed the public hearing at 5:57 PM. Konwinski moved and Preis seconded to approve Ordinance 1247 on second reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Kavanaugh moved and Konwinski seconded to waive third reading of Ordinance 1247. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Konwinski introduced Ordinance No. 1248. Russell read Ordinance No. 1248 by title only: AN ORDINANCE REVISING SECTION 1-1024 OF THE RALSTON MUNICIPAL CODE TITLED "FISCAL MANAGEMENT; CONTRACT VOTE" TO ADOPT STATUTORY CHANGES AND BRING SAID SECTION INTO CONFORMANCE WITH STATE LAW; TO REPEAL PROVISIONS IN CONFLICT THEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Groesser opened the public hearing and second reading of Ordinance 1248 at 5:58 PM. There being no discussion, Groesser closed the public hearing at 5:58 PM. Kavanaugh moved and Konwinski seconded to approve Ordinance 1248 on second reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Kavanaugh moved and Konwinski seconded to waive third reading of Ordinance 1248. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Konwinski introduced Resolution 2020-04. Russell read Resolution 2020-04 by title: A resolution approving rules and regulations for the passage of ordinances by the City of Ralston, Nebraska.

Ficenc indicated this was a discussion item at the last meeting. State Statute requires for an ordinance to be passed there has to be three readings. It does not require that it is voted

on or discussed on three different occasions, just that it be before council on three different occasions. Omaha and Lincoln do not do any type of discussion or vote on first reading. The first reading is when it is introduced. The second reading is where it is opened for public discussion and discussion among council members and amendments could be proposed. The third reading would be the final version presented and open for discussion. Passing this resolution would provide rules for how Ralston would enact ordinances and follow a process. The first reading is informational and any questions can be addressed before it is brought forward for public comment at the next meeting.

There being no further discussion, Kavanaugh moved and Krause seconded to approve the following resolution.

RESOLUTION APPROVING RULES )  
AND REGULATIONS FOR THE ) RESOLUTION 2020-04  
PASSAGE OF ORDINANCES BY THE )  
CITY OF RALSTON, NEBRASKA )

WHEREAS, §1-802 of the Ralston Municipal Code provides that “All ordinances shall be passed pursuant to such rules and regulations as the Council may provide.”

WHEREAS, on the 18<sup>th</sup> day of February 2020, the Ralston City Council held a regularly scheduled public meeting at which it considered enacting rules and regulations providing a systematic procedure by which the City Council and Mayor shall consider and vote upon proposed ordinances.

NOW THEREFORE BE IT RESOLVED by the Ralston City Council and the Mayor of Ralston, Nebraska, that the City of Ralston hereby provides the following rules and regulations for the passage of all ordinances:

1. Ordinances shall be introduced by a member of the city council with the mayor’s recognition; provided that the city clerk, administrator, or attorney may present any ordinance to the council and any council member may introduce the same by moving for its consideration.
2. Ordinances of a general or permanent nature shall be read by title on three (3) different days. This requirement may be suspended by three-fourths (3/4) vote of the council as described below except when prohibited by law. Three-fourths (3/4) of the council may require any ordinance to be read in full before final passage under either process. (*Ref. Neb. Rev. Stat. 16-404(2)*)
  - a. **First reading:** Upon its introduction, the ordinance shall be read by title and number the first time. Any elected or appointed city official, employee, agent, subcontractor or consultant may thereafter present information to the council. Each city council member may pose questions to such presenter but no public comments, council discussion or vote shall be held until after the second reading.
  - b. **Second reading:** The ordinance shall be read by title and number a second time at the next regularly scheduled council meeting, and thereupon shall be open for public comment and council discussion. At the close of debate the presiding officer shall entertain a motion to amend the ordinance and/or a motion to place the ordinance for final consideration. If either such motion is adopted by a

majority of the council members present, it shall be forwarded to the next regularly scheduled council meeting for final consideration. If such motion is not adopted, the presiding officer may re-open debate. If any motion for amendment is adopted, the ordinance shall be referred to the city attorney for approval as to form prior to being placed for final consideration.

- c. **Third reading:** All ordinances amended or placed for final consideration without amendment shall be read by title and number a third time, and thereupon shall be open for public comment and council discussion. At the close of debate the presiding officer shall entertain motions for further amendments or to place the ordinance for final passage. If a motion for further amendment is adopted, the ordinance shall be referred to the city attorney for approval again as to form and held over until the next regularly scheduled council meeting for final passage. Upon a motion for final passage being seconded, no further debate or amendment shall be allowed and the city clerk shall immediately call for a roll call vote for final passage.
3. The mayor may only vote on the passage of any ordinance, or motion related thereto, when his vote will provide a number of votes equal to the majority of all elected city council members, whether present or not, (a fourth vote) and is required for passage of such motion or ordinance. (*Neb. Rev. Stat. 16-312*)
4. The mayor may veto any ordinance, or any line item in an appropriations bill, after final passage only. The mayor may issue such veto either at the meeting during which the ordinance was passed or anytime within seven days thereafter by notifying the city clerk in writing, after which the city clerk shall notify each city council member in writing. Any ordinance so vetoed by the mayor shall be called at the next regularly scheduled council meeting in the same manner prescribed above for third reading except that a motion for final passage shall instead be a motion for passage over the mayor's veto. Upon such motion being seconded, no further debate or amendment shall be allowed and the city clerk shall immediately call for a roll call vote. Such motion may only be passed, and the ordinance adopted, by a two-thirds (2/3) majority of all elected council members, whether such council members are present or not (a minimum of four votes). (*Neb. Rev. Stat. 16-313*)
5. Any council member may make a motion for immediate consideration after any reading except when prohibited by law. Upon such motion being sustained by a three-fourth's (3/4) majority of the council members being present, the ordinance shall be open for public comment, council discussion, amendments and final passage or passage over the mayor's veto during the same council meeting. (*Ref. Neb. Rev. Stat. 16-404(2)*)

PASSED AND APPROVED this 18th day of February 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 on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Groesser opened consideration of appointment of Jeff Sinnett as an alternate to the Design Review Committee. Krause moved and Konwinski seconded to approve the Mayor's appointment of Jeff Sinnett as an alternate to the Design Review Committee. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Krause, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Public comment: There was no public comment.

Council comment: Kavanaugh commented that questions can always be submitted in writing to City staff prior to a council meeting. The problem with asking questions at a City Council meeting is that council members may or may not have the information in front of them to be able to answer the question. This way the question is in writing and the answer may even be provided before the meeting. Preis said the Eagle Scout presentation was very good and urged to make sure the wall is recreated somewhere else. Groesser reminded everyone about the visioning workshop in the Ralston Arena Side Room at 6:00 PM on February 27<sup>th</sup> to discuss what the downtown will look like.

There being no further business to come before the Council, the meeting adjourned at 6:05 PM.

The next regular meeting is Tuesday, March 3, 2020 at 5:30 PM.

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Rosemarie D. Russell  
City Clerk

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Donald A. Groesser  
Mayor

CLAIMS-2-18-2020-Access Systems Leasing, 2,237.16, Printers/Copiers; Agrivision Equipment Group, 975.32, Parts; Axon Enterprise, Inc., 565.00, Equipment; Bluetarp Credit Services, 91.97, Services; Brodart Co., 47.13, Supplies; Caselle, Inc., 1,151.00, Contract Support; Cavanaugh Macdonald Consulting, 4,117.50, Actuarial Valuation; Cengage Learning, Inc., 60.78, Books; Century Certified Services, 68.00, Pest Management/Control; City of Omaha Cashier, 69,024.06, Sewer Billing; CompChoice, 74.00, Medical Services; Consolidated Management Co., 26.22, Training; Cornhusker International, 8,572.12, Parts; Cox Business Services, 1,885.08, Telephones/Cable; Criminal Addition Inc., 300.00, Training; Demco, 94.81, Shipping Labels; Diamond Laundry Service, Inc., 49.90, Laundry Service; Echo Group, Inc., 398.00, Electrical Supplies; Egan Supply Co., 120.22, Office Supplies; Experian, 27.00, Credit Services; Factory Motor Parts Co., 290.86, Supplies; Fleek, Brianna, 120.00, Janitorial; Halbur, Bailey, 35.67, Mileage; Integrated Solutions, Inc., 5,678.50, Computer Support/Services;



Jones Automotive, Inc., 337.50, Parts; Larry Vogler Trucking, LLC, 1,842.50, Road Salt; LaVista, City of, 1,369.61, Special Services Bus; Martin Asphalt, 185.00, Asphalt; Menards-Ralston, 159.21, Supplies; Menards-Bellevue, 278.64, Supplies; Merv Riepe, 200.00, Refund of Sewer Charges; Michael Todd & Co., Inc., 57.16, Supplies; Mid-American Benefits, Inc., 1,893.94, Cobra Administration/Participant Fees; Milts Body Shop, Inc., 346.00, Auto Repair; Nebraska Iowa Supply Co., Inc., 1,184.41, Fuel; Nebraska Salt & Grain Co., 3,490.51; Ice Control Salt; OCB Plumbing, 172.50, Repair; Omaha Compound Company, 262.79, Building Supplies; Omaha Dougl's Publ Bldg Comm, 10.50, Parking; Omaha Public Library, 15.56, Costume; Omaha Slings, Inc., 84.49, Parts; O'Malley, Margaret, 228.25, Janitorial; One Call Concepts, Inc., 41.10, Locate Fee; Overhead Door Co of Omaha, 124.00, Parts/Labor; Papillion Sanitation, 16.07, Services; Publishers Prime, 96.55, Books; Puritan Manufacturing, Inc., 620.00, Shop Supplies; Ralston Area Chamber of Commerce, 60.00, Chamber Lunch; Ralston Automotive, 342.52, Services; Recorded Books, Inc., 726.57, Books; Ridder, Justine, 26.45, Reimbursement; Sign It, 50.00, Stickers; Sleuth Systems, 217.00, Maintenance Renewal; Suburban Newspapers, Inc., 985.07, Legal Notices; Talx UC Express, 151.94, Services; Titan Machinery-Omaha, 175.06, Supplies; Trans Union Risk & Alternative, 50.00, Services; Unique Management Services, Inc., 80.55, Placements.