

Ralston City Council Regular Meeting
Tuesday, April 7, 2020

Pursuant to the Governor's Executive Order No. 20-03, the Ralston City Council met via teleconference on Tuesday, April 7, 2020 at 5:30 PM. Roll was called with the following present: Mayor Groesser and Council members Konwinski, Fideline, Krause, Kavanaugh, and Preis. Council member Sanchez was absent. 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.

Council member Krause 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 March 3, 2020 regular city council meeting;
2. Claims from March 17, 2020 and April 7, 2020;
3. Financial Statements for the City from February 2020 and for the Arena from January and February 2020
4. Department Head and/or Commission Reports.

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

Groesser opened consideration of the Arbor Day Proclamation. Russell indicated Arbor Day is the 4th Friday of April. This year since the Arbor Day celebrations will not be able to be held on Arbor Day, the Arbor Day Foundation has indicated that communities have the entire year to have the celebrations. The City's Youth Services Librarian is planning to have a digital story time at the park for kids to watch online as well as an event in the park sometime in the summer. Groesser read the proclamation.

Hoppe informed the public they could notify their request to speak by texting Hoppe's cell phone or emailing the City Clerk.

Groesser opened consideration of the Ralston Volunteer Fire Department annual liquor exemption. Fire Chief Eischeid indicated this is the annual liquor exemption which allows them to have alcohol at the fire station for events.

Krause moved and Konwinski seconded to approve the Ralston Volunteer Fire Department annual liquor exemption. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Groesser opened consideration of the audit for Fiscal Year ending September 30, 2019. Chris Lindner from BKD expressed appreciation to Finance Director Bohling and the rest of the staff for the assistance in getting the audit completed in a timely manner. BKD expressed a clean or unmodified opinion noting that the financial statements are in accordance with GAAP. He commented on the basis of accounting drawing attention to Note 1. The City's governmental funds are reported on cash basis, which is a basis of accounting other than accounting principles generally accepted in the U.S. The Sewer and Arena Funds are enterprise funds and are reported on full accrual.

Lindner commented on the "Cash Held with Trustee" in Note 1. The City has been named as the beneficiary of a charitable bequest from a donor, whereby an account has been established at the Nebraska Community Foundation. He commented on the restatement of prior year balances and said a portion of that amount should have been recorded in prior years. The addition of the monies helps the City's overall fund balance. The deficit position at the end of 2018 was roughly \$3.5 million and at the end of 2019 it was roughly \$1.5 million.

Lindner commented on Note 5: Long-term Liabilities. The governmental fund debt is any debt associated with the street and general and are not included in the financial statements but are included in Note 5. It is important to know the issues and terms and conditions. Lindner commented on Note 6: Retirement Plans which is the defined benefit plan. It is just a little overfunded from an actuarial standpoint. Lindner commented on Note 7: Interfund Balances and Activity which indicates the transfers from and transfers to and provides information on the reason for the transfers.

There being no further discussion or comments, Krause moved and Konwinski seconded to accept the audit for Fiscal Year ending September 30, 2019. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Krause introduced Ordinance No. 1250. Russell read Ordinance No. 1250 by title only: AN ORDINANCE AUTHORIZING THE CITY OF RALSTON, NEBRASKA TO BORROW AN AMOUNT NOT TO EXCEED ONE MILLION ONE HUNDRED DOLLARS (\$1,100,000) AND TO SECURE AND/OR EVIDENCE SUCH BORROWING BY THE ISSUANCE OF ITS PROMISSORY NOTES, TAXABLE SERIES 2020, WHICH SHALL BE PAYABLE FROM GENERAL FUNDS OF THE CITY; PRESCRIBING THE FORM AND DETAILS OF SUCH NOTES; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE FINAL AGGREGATE PRINCIPAL AMOUNT, MATURITIES, RATES, REDEMPTION PROVISIONS AND OTHER TERMS AND DETAILS OF SUCH NOTES; AUTHORIZING THE SALE AND/OR DELIVERY OF THE NOTES TO THE PURCHASER THEREOF OR TO THE LENDER; ADOPTING CERTAIN DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE NOTES; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Scott Keene from Piper Sandler indicated the ordinance allows for the issuance of up to \$1.1 million of taxable promissory notes to take out the maturing 2018 notes. The 2018 notes were issued in May of 2018 and mature on May 15, 2020. The parameters of the ordinance state that the notes will mature in two years; the maximum interest rate cannot exceed five percent; the maximum fee paid to Piper Sandler is 0.7 percent of the principle amount or approximately \$7,100. The outstanding 2018 notes have an interest rate of five percent and Piper Sandler is currently estimating a rate of around three percent for these notes. This rate is comparable to other non-rated two year taxable note issues in the market nationally.

Piper Sandler will be working with local banks and investors for the purchase of the notes over the next few weeks. Kutak Rock is drafting the preliminary offering document and it is hoped the sale will be completed next week or the week thereafter. They hope to be in the position to deliver the funds to the City on May 15, 2020 to help pay off the notes. The issue will provide \$1 million to the City with general funds in the amount of approximately \$100,000 being used to help pay off the \$1.1 million of notes that are maturing.

There being no further comment, Krause moved and Preis seconded to approve Ordinance No. 1250 on first reading. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Grosser asked to waive second and third readings so the rates can be locked in. Krause moved and Fideline seconded to waive second and third readings. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Kavanaugh introduced Ordinance No. 1251. Russell read Ordinance No. 1251 by title only: AN ORDINANCE TO REVISE AND AMEND ARTICLE 10 OF CHAPTER 10 OF THE RALSTON MUNICIPAL CODE, TELEPHONE FRANCHISE; 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.

Ficenec indicated this is part of the on-going efforts to update the outdated and antiquated sections of the Municipal Code. The new ordinance will provide a more generalized replacement and most of the ordinance is repeating what is in state law. Telecommunications companies that want to come into Ralston and lay fiber optic cable and such would have to have a franchise agreement approved by the City and that franchise agreement would contain an occupation tax. There is currently an agreement that was passed some months ago with MCIMetro, a subsidiary of Verizon, with a five percent occupation tax.

This ordinance updates the Municipal Code where telecommunication companies would all be charged the same occupation tax. The occupation tax is currently five percent and is limited by the FCC and all companies have to be charged consistently.

Grosser indicated that under the City Council’s new rules, public hearings are not held for ordinances for first reading and public hearings will be held on the second and third reading. There is no vote on the first reading.

Konwinski introduced Resolution 2020-07. Russell read the title of Resolution 2020-07: a resolution authorizing amendments to the City of Ralston Civilian Retirement Plan. Russell indicated that some requests have been made to include loan provisions in the Civilian Retirement Plan. This is the plan that was adopted in July 2017. Loans are not an option to the Police Officers plan since that plan is governed by state statute. The amendment permits new loans of \$1,000 and limits the number of loans to two outstanding at any time. Loan refinancing is not permitted. Russell commented on the Cares Act and indicated that the plan administrator is still seeking guidance on governmental plans and will keep us posted as they learn more how the Cares Act will affect the City’s plans. If needed, there will be a supplemental amendment added later.

It was indicated that there is a minimum loan amount of \$1,000. Kavanaugh inquired if the \$1,000 is going to be enough given the current situation. Russell indicated it was a recommendation from the plan administrator and indicated that the amount could be increased given the situation. Kavanaugh suggested doubling the maximum amount of the loan, minimum of \$1,000 up to a maximum of \$2,000 per loan, maximum of two loans. Preis and Konwinski agreed. Krause commented that the City needs to be careful with changes to pension plans.

There being no further discussion, Kavanaugh moved and Preis seconded to amend the resolution to allow loans between \$1,000 and \$2,000 for a maximum of two active loans. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Krause moved and Fideline seconded to approve the following resolution as amended.

RESOLUTION AUTHORIZING)
AMENDMENTS TO CITY OF) RESOLUTION 2020-07
RALSTON CIVILIAN RETIREMENT)
PLAN)

The undersigned representative of the City of Ralston, Nebraska (the Employer) hereby certifies that the following resolution was duly adopted by the Employer on April 7, 2020 and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, City of Ralston, Nebraska Civilian Retirement Plan (the “Plan”) is hereby amended as follows, effective as of April 7, 2020:

1. The section of the Adoption Agreement entitled “LOANS TO PARTICIPANTS” is amended and shall read:

New loans are permitted.

Regardless of whether new loans are permitted, if the Plan permits rollovers, then the Administrator may, in a uniform and nondiscriminatory manner, accept rollovers of loans into this Plan.

2. Section A. in the Administrative Procedures of the “Plan” is amended and shall read:

Loan limitations. The minimum loan will be \$1,000 (may not exceed \$2,000); a Participant may only have two (2) loan(s) outstanding at any time; all outstanding loan balances will become due and payable in their entirety upon severance of employment unless directly rolled over (if otherwise permitted) to another employers’ plan.

Additional loan provisions. Loan payments – loans are repaid by payroll deduction, checks are authorized only for prepayment. Interest rate is 1 percentage point over the prime interest rate.

RESOLVED, that the undersigned is hereby authorized to execute, on behalf of the Employer, all documents necessary to effect the changes authorized herein.

PASSED AND APPROVED this 7th day of April 2020.

CITY OF RALSTON, NEBRASKA

BY:/s/ Donald A. Groesser, Mayor

Attest:

/s/Rosemarie D. 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, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Groesser opened consideration of the assignment of the purchase agreement between Zehv’s Place LLC and OZVP V, LLC for the real estate commonly known as 7630 Park Drive. Ficenec indicated this is a procedural matter in order to be able to complete the sale of the parking lot. The purchase agreement was originally with Zehv’s Place LLC but it did provide that the buyer would be able to assign it to another entity related to the buyer

as long as the City approved it. Jerry Reimers is requesting to purchase the parking lot under a different LLC and he is the managing member of each LLC.

Krause clarified that this doesn't have anything to do with the sale of the parking lot or the price. Ficenec said that is correct and all the other terms of the purchase agreement remain in effect. It is still going to the same developer, it is just under a different corporate entity.

There being no further discussion, Krause moved and Konwinski seconded to approve the assignment of purchase agreement between Zehv's Place, LLC and OZVP V, LLC for the real estate commonly known as 7630 Park Drive. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Public comment: Amy Roeder, Chamber President, informed everyone the Chamber has been busy the last few weeks assisting the businesses. There is a lot of information on a new page created on their website. Roeder reported on a scavenger hunt for residents.

Council comment: Preis urged everyone to stay safe. Konwinski urged everyone to stay home and stay safe. Groesser thanked everyone for participating in the conference calls with regard to COVID-19. Ralston's elected officials and City staff have reached out to the senators and congressman. Groesser urged everyone to stay safe.

There being no further business to come before the Council, the meeting adjourned at 6:20 PM.

The next regular meeting is Tuesday, April 21, 2020 at 5:30 PM.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS-4-7-2020-Access Systems Leasing, 2,218.09, Printers/Copiers; Action Batteries, Inc., 92.70, Batteries/Supplies; AFLAC, 703.44, Insurance; American United Life Insurance, 1,086.73, Life Ins; Ameripride Services, Inc., 329.69, Building Main/Rugs; Andrew Kanngieser, 780.00, FOP Dues; BKD, LLP, 16,000.00, Professional Services; Black Hills Energy, 1,309.76, Utilities; Blue Cross & Blue Shield of NE, 35,156.01, Health Insurance; BlueTarp Credit Services, 39.99, Services; BMI Janitorial Group, 650.00, Janitorial; Bound to Stay Bound Books, Inc., 46.30, Books; Caselle, Inc., 1,151.00, Contract Support; CCL Supply, LLC, 521.15, Supplies; Cengage Learning Inc., 660.29, Books; Center Point Large Print, 89.28, Books; Century Certified Services, 96.00, Pest Management; City of LaVista, 810.82, Special Services Bus; Comfort Inn, 199.90, Training; CompChoice, 105.00, Medical Testing; Cox Business Services, 2,757.83; Diamond Laundry Service, Inc., 99.80, Laundry Service; Donald Ficenec, 8,990.00, Legal Services; Dude Solutions, 4,000.00, Software; Dultmeier Sales, LLC, 13.70, Supplies;

DXP Enterprises, Inc., 114.31, Repairs/Supplies; Eakes Office Solutions, 389.14; EBSCO Information Services, 630.00, Online Resource; Experian, 27.24, Credit Services; Factory Motor Parts Co., 28.42 Parts; Fair and Impartial Policing, LLC, 600.00, Training; Fireguard, Inc., 179.45, Fire Extinguisher Exchange; First State Bank, 3,478.85, Loan Pymnt; Fleek, Brianna, 300.00, Janitorial; Fraser Stryker, PC LLO, 1,388.50, Professional Services; Global Spectrum, 505,000.00, Funding Shortfall; Great Western Bank-Jackpot, 3,520.30, Jackpot Funding; Great Western Bank – Pension, 13,257.55, Pension; Great Western Bank-Visa, 5,954.28, Miscellaneous Supplies/Conferences; Groesser, Donald, 175.00, Reimbursement; Halbur, Bailey, 64.18, Reimbursement; HDR Engineering, Inc., 34,620.68, Hinge Planning & Design; Humana Insurance Co., 2,071.24, Insurance; HyVee Accounts Receivable, 21.97, Supplies; Integrated Solutions, Inc., 5,198.00, Services/Supplies; International Code Council, 687.74, Code Books/Training Materials; JEO Consulting Group, Inc., 983.10, Services; Johnstone Supply, 200.95, Shop Supplies; Jones Automotive, Inc., 1,269.74, Labor/Repair; Kriha Fluid Power, 1,172.23, Parts & Labor; Larry Vogler Trucking LLC, 1,774.16, Road Salt; League of NE Municipalities, 1,534.00, Conference; Marriott Hotels and Resorts, 660.00, Conference; Martin Asphalt, 196.10, Supplies; Menards-Ralston, 416.30, Supplies; Michael Todd & Co., Inc., 672.72, Supplies; Microfilm Imaging Systems, Inc., 111.20, Document Scanning; Mid-American Benefits, Inc., 1,893.94, Participation Fees; Midlands Lighting & Electric, 41.33, Supplies, MUD-Utilities, 317.49, Utilities; Nebraska Dept of Revenue, 100.00, Fees; Nebraska Iowa Supply Co., Inc., 3,620.27, Fuel; Nebraska Salt & Grain Co., 1,794.00, Ice Control Salt; Nebraska State Patrol, 562.50, License Fees; Nebraska-Iowa Ind Fasteners, 89.79, Supplies; OCB Plumbing, 1,250.00, Repairs/Replacement; OCLC, Inc., 750.67, Cataloging and Metadata; Offutt Advisory Council, 200.00, Membership Renewal; Omaha Compound Company, 47.84, Supplies; Omaha Douglas Publ Bldg Comm, 5.25, Parking; Omaha Public Power District, 26,037.54, Utilities; Omaha World Herald, 247.00, Renewal; O'Malley, Margaret, 511.50, Janitorial; One Call Concepts, Inc., 72.28, Locate Fees; Oriental Trading Co., Inc., 372.62, Supplies; Papillion Sanitation, 30,556.99, Trash Services; Payless Office Products, Inc., 209.82, Office Supplies; Pitney Bowes, 1,624.96, Lease; Publishers Prime, 24.09, Books; Quill Corporation, 438.08, Supplies; R & S Press, 275.00, Supplies; Ralston Automotive, 172.84, Services; Ralston Recorder, 39.95, Renewal; Ralston Volunteer Fire Department, 16,737.00, Fire Protection Agreement; Recorded Books, Inc., 1,124.57, Books; Ridder, Justine, 48.25, Reimbursement; Sapp Bros, Inc., 56.00, Propane; Sarpy County, 1,824.00, Animal Control; Sleuth Systems, 217.00, Maintenance Renewal; Suburban Newspapers, 623.88, Legal Publications; Titan Machinery-Omaha, 335.40, Supplies; T.N.T. Cleaning, 500.00, Janitorial; The Daily Record, 18.50, Legal Publications; Trans Union Risk & Alternative, 150.00, Services; Travelers, 43,135.33, Insurance Pymt; Unique Books, Inc., 44.75, Placements; Unique Management Services, Inc., 44.75, Placements; United Way of the Midlands, 38.34, Donations; Verizon Wireless, 1,981.40, Cell Phones; Voice & Data Systems, Inc., 2,841.00, Install Data Cable; Voya Institutional Trust Company, 5,100.00, Pension; West Omaha Winsupply, 36.85, Supplies; Woodhouse Auto Family, 38,928.00, Truck for Public Works.