

Ralston City Council Regular Meeting
Tuesday, February 6, 2018

The Ralston City Council met in regular session on Tuesday, February 6, 2018 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, Krause, Alberhasky, 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.

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: #10143 to Ponderosa Partnership, 6320 S. 72nd Street – Replace sign - \$1,100.00; #10150 to Larry M. Gerlt, 8510 Monroe Street– Add sunroom - \$15,000.00; #10152 to Dubois LLC, 5170 S. 72nd Street–Electric and emergency lighting - \$3,000.00; #10153 to Ingeborg R. McFarland, 7766 State Street – Replace furnace - \$5,000.00; #10154 to Kevin Schaben, 5613 S. 77th Street – Replace sign - \$2,475.00; #10157 to Janine Phipps, 6721 S. 75th Street –Replace furnace- \$5,500.00; #10158 to Klinker Golden LLC, 5010 S. 80th Street – Install temporary electrical pole - \$500.00; #10159 to Richard Bonham, 8225 Clairmont Avenue – Install electrical for new furnace - \$100.00; #10160 to Arlene P. Burianek, 5114 S. 77th Avenue – Replace outside sewer line - \$2,000.00; #10161 to 75th and L Street, LLC, 7505 L Street – Replace roof top unit - \$14,810.00; #10162 to Raymond S. Chinn, 5213 S. 77th Street – Repair sewer - \$1,800.00; #10163 to Arlene P. Burianek, 5114 S. 77th Street – Install water heater - \$1,065.00; #10164 to Anne Klaumann, 8523 Lakeview Drive – Replace furnace - \$4,000.00; #10166 to Granite LLC, 7910 Harrison Street – Replace roof top unit - \$4,200.00; #10167 to Seran Gungor, 7614 Main Street–Install furnace, A/C and finish ductwork and registers - \$1,920.00; #10168 to Douglas E. Hadley, 4909 S. 78th Street – Install plumbing for bath, laundry, and bar - \$4,000.00; #10169 to Douglas E. Hadley, 4909 S. 78th Street – Complete electrical work for basement refinish - \$2,500.00; #10170 to Linda D. Barry, 7905 Oakwood Street –Repair pipe burst - \$8,500.00; #10172 to Kolacz Management, 5617 S. 77th Street – Install commercial double doors - \$1,850.00

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

1. Minutes from the January 16, 2018 regular city council meeting;
2. Claims; and
3. Department Head and/or Commission Reports.

Motion to approve Consent Agenda and addition to claims by Kraus, seconded by Preis. All voted yes, Sanchez absent. Motion carried.

Forrest reported the Pension Committee is meeting tomorrow morning. It will be the committee's second meeting. The committee is learning a lot about the City's pensions and will be taking an active role in managing the Defined Benefit pension program. The Signage Committee has met twice and are reviewing the current signage ordinance and focusing their attention on the downtown area. The committee is working on a draft document and will be meeting again next week and the document will go to the Planning Commission for review.

Canfield reported the Library Board of Trustees received their certification. They were required to complete 20 hours of continuing education credits over a period of three years and their being certified is one step in the process of the Library's accreditation process.

Sanchez arrived at 5:35 PM.

Benis reported on arena events which include the "Price is Right", .38 Special, Lancers, and Dancing with the Omaha Stars. Tickets are on sale for the Little River Band and Modest Mouse and the arena will soon be announcing the Bill Engvall appearance in October. They will also be announcing that the Metro Volleyball Conference Championships will be at the arena this year in October. The Wrestling Tournament will also be held in the arena in January 2019. Discussion was held on the Lancers and the playoff games.

Groesser opened discussion on the Interlocal Cooperation Act Agreement between the City of Ralston and Ralston School District No. 54 for the use and maintenance of Orval Smith Baseball Field. Forrest indicated the City and the school district entered into an agreement in 2016 whereby the school district performs maintenance and upkeep on the field and the City pays the utilities. The term of the agreement has expired and the renewal for another year is to be considered. Krause indicated the school superintendent spoke with him and he encouraged the City Council to support the agreement. He also indicated that they are looking at the contract being a longer term.

Freshman indicated that the Legion met with the Park and Tree Commission and the color of Orval Smith will be reverting back to the original Columbia blue. Freshman suggested that the City may want to negotiate the utilities into the contract. Preis commented that when the school district brings in an outside group, that expense should be recouped. He knows the schools are getting some type of reciprocation for the use of the field by other groups. Groesser said he is sure they would be willing to talk about that.

Groesser opened discussion on the request for proposals for general employment/labor matters. Forrest indicated it was requested at the last council meeting that an RFP be prepared for labor and employment law and a draft RFP is in the Council packets for discussion. Konwinski commented that she has looked up different firms that provide this type of service and Fraser Stryker at the top. It seems it would be a waste of a

different firm's time to start over and may even cost the City more to go with another firm.

Alberhasky said his argument was that the City Council was not given a choice to choose a firm. There are many other labor and employment law offices in Omaha and the City should investigate if they are getting well-represented in that regard. Alberhasky said the RFP should be sent out to see what response is received.

Forrest said the RFP is prepared and it will not cost anything to send it out and some other firms can certainly be identified. Preis indicated that every time that services for Fraser Stryker have been requested, the City Council has approved it. Just because the City chooses another law firm, Fraser Stryker will surely finish the on-going issues they are working on. Alberhasky said the City Council should have been given the opportunity to select a firm. Groesser indicated the RFP can be sent out; however, if there are on-going issues that need to be done, Fraser Stryker needs to finish them. Forrest said that if any Council members have a particular firm to send the RFP to, send the information to him or Russell.

Groesser opened for discussion the CDL Drug and Alcohol Policy. Forrest indicated most communities in the United States with CDL drivers perform pre-employment, post-accident, and random drug testing. The regulations originated in the early 1990's and there was some confusion in Nebraska whether the regulations applied to local governments. Forrest has spoken with the legal counsel for the League of Nebraska Municipalities and they have confirmed that whatever confusion may have existed at the time has been resolved and that the regulations do, in fact, apply to local governments. Council members have been provided a draft policy and Forrest asked them to review the policy and consider moving forward with it.

Konwinski inquired if the Police Department currently does the drug testing and Forrest indicated they do the testing for pre-employment for non-CDL employees. Discussion was held on prescription drugs and the requirement of having a written release from a physician. Forrest said the rule of thumb would be if the employee is taking any kind of medication that would impair their ability to function, they should let their supervisor know, whether it is a prescription drug or over-the-counter medication. Konwinski suggested inserting in the policy at Section 5.2 that the employee can just let their supervisor know that they are taking over-the-counter medication instead of being released by a physician. Forrest indicated the language in the policy was drafted in response to federal guidance and he would like to get some legal guidance on it before the policy is changed.

Freshman said that the Public Works Department is fine with the policy and that it is for all safety sensitive positions. Forrest commented that this type of testing can certainly be done for all employees, but it is a requirement for employees with CDL's.

Groesser opened discussion on the proposal by Stafford Sports, LLC to evaluate the Ralston Arena. Forrest commented that since he began at Ralston he has had some

conversation with general managers of other sports entertainment venues as well as Benis. In speaking with some of the other general managers in Omaha venues, the possibility of bringing in a third party to evaluate the Ralston Arena was discussed. Forrest said that is something that should be considered very strongly. The arena has underperformed relatively to what was expected five years ago when it was constructed. The question is if the performance is the best the arena can do or can it do better? It is an important question to get answered and that is why he contacted Stafford Sports, LLC. He only contacted one firm because they had such a strong recommendation that he felt it was appropriate to solicit only one proposal. The arena operations need to be looked at and reasonable expectations determined.

Overall, the City needs a plan and could use some assistance from an outside firm to help develop that plan. Then the City and the arena staff would execute that plan. It is important to do the research and provide some guidance. The City has an enormous investment in the arena and it is something that is serious enough to see what can be done to improve things.

Alberhasky commented that the total cost to use Stafford Sports, LLC is \$50,000 in addition to a four percent administrative fee and inquired how long it will take. Forrest indicated there is no inclusive cost and travel expenses are additional. They will be in Ralston for two days and Stafford Sports staff will submit a draft version of the final report within 90 days. Alberhasky expressed his feelings about spending \$60,000 to \$70,000 for an evaluation of the arena and having to spend more money. He also commented on the Lancers contract being one-sided with the Lancers getting all the money. Alberhasky suggested forming a committee.

Fideline commented on the Stafford Sports people being from New Jersey and inquired if they had people locally who know what is happening in Ralston, Nebraska. Benis said he has dealt with them in the past. He dealt with them for three years when the Qwest Center was being built. They are very capable with what they do. They are expensive but they do know what they are talking about. They don't have a local company and they are traditionally a company that would be brought in when building an arena. Benis indicated that they commented that there are not a lot of buildings the size of Ralston Arena that make money. Most cities go into the idea that arenas do not make money. However, Benis does think that Ralston Arena can make money if some things change.

Konwinski commented on the contracts and not being able to change them. Benis said that the consultants will most likely provide more realistic numbers. Discussion was held on realistic figures being included in the next budget.

Forrest commented that very few communities the size of Ralston have taken on the construction of an arena and a sports entertainment venue. It would be very helpful to have experts come in and give the City Council a review so they know where the City stands and what can realistically be expected. Alberhasky asked why Stafford Sports has to come to Ralston and Forrest said that if there is an opportunity to spend less

taxpayer dollars subsidizing the Ralston Arena, it is worth it. The company will spend time interviewing staff, gathering data, and analyzing the data. It is important that the consultants are here for part of the time to meet the stakeholders and citizens. The City needs a plan and a reality check on what can reasonably be expected from the arena so that moving forward the City would know how much to budget each year in terms of public dollars to subsidize the operation. The City would also need help to identify the best ways to cut costs and maximize revenues. Forrest strongly recommended this be done.

Sanchez is in favor of it in principle and added that the only person who is competent enough to tell the City Council if the arena is being run well is Benis. Sanchez commented that to him this is like an audit. Sanchez said the City can keep operating as it is and keep getting the same results or the City can employ an expert and there could be tremendous upside potential. There is very limited downside potential and tremendous upside potential. Now there is historical data with real people and real numbers. This is a reinvestment in the arena operation for another five to seven years at which point, the City should probably consider doing this again.

Alberhasky inquired if there is money in the budget and Bohling indicated there are consulting line items in the budget. Alberhasky commented on the budget and that the City will end up borrowing the \$70,000. He also commented on the \$600 per month rental given to the American Legion for storage when there is an entire arena for storage.

Discussion was held on the money being made and having another entity doing studies. Benis said that the study makes sense. The consultants can help determine how the advertising should be done, which is the biggest area of concern. Krause said that what the study might do is get the City out of their "fantasy" in the figures that are put in the budget and maybe the City can then budget correctly. The City has not raised taxes in five years and each year there are additional expenses that even without the arena the City should have been covering. Krause agrees with Sanchez that the City needs someone that can come in and give the City some reality.

Alberhasky requested that three competing bids be received. Konwinski commented on the figures put together in the packet and suggested putting in the lowest figure for budget predictions. Forrest said that the budget figures have been unrealistic and the actual numbers bear that out. Another aspect is what the City can do differently to get closer to the numbers that have been budgeted. It is not just getting a realistic sense of what the City should expect. It is also taking a look at where the City can improve to get the most out of the arena that the City possibly can so that the City can cut the amount of tax dollars being used to subsidize it.

Forrest commented that the budget is only one aspect of the evaluation. It is a top to bottom evaluation looking at marketing, advertising, sponsorships, food service, financial controls, cost controls and other areas. The Ralston Arena is a \$4 million business operation that the City just happens to run and once every five years bringing in an auditor to do a complete look is a really good idea.

Benis commented on references and the Wells Fargo Arena, Pinnacle Bank Arena and Baxter Arena. Sanchez said that approximately two years ago he recommended bringing in an outside consultant for food and beverage. The expert for food and beverage uncovered ways that the potential could be maximized. He recommended to make sure there is a plan in place so the City can take immediate action and follow through with execution. The plan needs to be set up front with some sort of oversight committee. Sanchez agrees that the City should get more than one proposal. He inquired what the alternative would be if the City didn't bring in experts. Benis said there are two different thoughts. One is putting together a realistic budget without getting Stafford Sports involved. The other thought is there is no solution to this. It is a massive undertaking and Stafford Sports is going to give the City a realistic look as to the operations. Benis commented that the City could put a board together along the lines of MECA's board.

Groesser agreed that the City needs to get a couple of other proposals. The company he worked for brought in someone to evaluate the operations every five to seven years. The City has numbers now for the arena that can be tracked. When an outside entity is brought in, they can look at things with a fresh set of eyes. Groesser commented on naming rights in the budget and that it would be a good thing for the City to have an audit done.

Forrest suggested that it would be a good idea after the three proposals are evaluated to have an ad hoc committee of the City Council do an interview over the phone.

Groesser opened for consideration his appointments to the Finance Committee. There being no discussion, Konwinski moved and Preis seconded to approve the Mayor's appointments to the Finance Committee. All voted yes. Motion carried.

Groesser opened consideration of sale of City-owned property, Lots 30 and 31, Lakewood Addition, City of Ralston, also known as 31 Country Club Road. Krause introduced Resolution 2018-3 to declare the real property at 31 Country Club Road surplus. Russell read the title of Resolution 2018-3. Krause moved and Alberhasky seconded approval of Resolution 2018-3.

Forrest commented that the council wanted a broker's opinion of price for the property and the Mayor has obtained that. He commented on the process for selling the property for direction on what the City Council wants to do. The notice of sale will be put on the website and a sign place in the yard. Forrest indicated proposals can be sent out to individuals that may have an interest.

RESOLUTION DECLARING)
CERTAIN REAL PROPERTY)
SURPLUS AND PROVIDING) RESOLUTION 2018-3
FOR A METHOD OF SALE)

WHEREAS, the following item of real property owned by the City of Ralston is no longer necessary for the operation of the affairs of the City and is surplus, to wit:

Lots 30 and 31, Lakewood Addition, City of Ralston, also known as 31 Country Club Road, Ralston, Nebraska

NOW THEREFORE BE IT RESOLVED by the Ralston City Council and the Mayor of Ralston, Nebraska, that the said real property is hereby declared to be surplus property and should be sold at public sale or private sale, upon such terms and conditions as may be deemed to be in the best interests of the City in the judgment of the City Administrator.

PASSED AND APPROVED this 6th day of February, 2018.

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

Attest:

/s/Rosemarie Russell, City Clerk

Approved as to form:

/s/Mark A. Klinker, City Attorney

All voted yes. Motion carried.

Groesser opened consideration of the IT upgrades as proposed from Integrated Solutions. Krause moved and Konwinski seconded to remove the IT upgrades as proposed from Integrated Solutions from table. Alberhasky voted no. All remaining voted yes. Motion carried.

Krause said that Forrest has sent council members quite a bit of information. Alberhasky said he didn't get his information in time for the meeting and doesn't have a good feeling for it at this point. Krause will trust staff and would support the recommendation from staff. Alberhasky said he was trying to figure out what the City will be paying for computers compared to what he would pay.

Preis commented if Alberhasky were to buy the equipment himself, he would not get the same pricing for service and installation. There is a reason that the companies sell the equipment and give a price for equipment based on what they sold. Preis questioned why the City would need to go to Tier 2 when the equipment should have a warranty on it and some kind of support that goes with it.

Sanchez has spoken with Forrest regarding the service component and hardware component. He had asked Forrest to ask the company if they were willing to go with the hourly package until the City hits a certain number and then convert to unlimited if the City reaches a certain threshold and the company agreed to that. From a service standpoint, that puts the City in a better position rather than having to choose from one or the other. Preis agreed with this.

Alberhasky commented on items being broken down by cost. In this case, the City was given totals and he doesn't want to find out after the fact that the City overpaid for the equipment. Bohling said the desktops that are going to be replaced are \$1,500 each. They are going to be replaced with a Dell business grade computer. Bohling commented before the company purchases the computers, he can get the details and do a cost comparison. If the City will be going with Tier 1 initially, all of the computers will not have to be replaced up front.

Krause moved and Sanchez seconded to approve the IT upgrades as proposed from Integrated Solutions contingent upon staff review of the hardware.

Preis commented on Tier 1 and the City being more judicious. He inquired what this will do with the number of hours of support being used because now support is being used on old equipment and questioned the savings. Bohling said that he would look mainly at the PC replacement area; however, the servers do have to be replaced.

Alberhasky inquired what the Council members are voting on and Forrest indicated they are voting to approve the IT upgrades as proposed from Integrated Solutions with the understanding that there will be a break/fix hourly rate maintenance contract until such time as it determined that moving to the unlimited help desk would be economically advantageous.

All voted yes. Motion carried.

Public comment: Brian Kavanaugh, 7754 State Street, thanked the council for their devotion and dedication to making sure the Arena is on track. As a taxpayer in the City of Ralston he has listened with great interest over the last several years of the trials and tribulations of trying to turn a profit with the Arena and trying to get it into a state where it is a benefit to the community as an entertainment source and also a fiscal responsibility source. He thinks it is a good idea to bring in the outside committee to evaluate the Arena to make sure that the direction it is going is the right direction. The people working in the Arena all have a job to do in addition to trying to manage things and bringing in the outside group frees the people from having to do that type of work and provides the expertise that is needed to turn things around. It is one thing to say that a realistic budget can be done, it is another thing to figure out how to change the budget to maximize the revenues for the future.

Rich Shively, 7505 Washington Street, said it is always good to have fresh eyes come in and look at the Arena. He commented that next time the contracts come up changes can be made so money can be made off the contracts.

Council comment: Krause said he did not watch the super bowl because they wouldn't take a Veteran's ad. Groesser and Sanchez thanked the public for their comments.

There being no further business to come before the Council, the meeting was adjourned at 6:50 PM.

Next regular meeting Tuesday, February 20, 2018 at 5:30 PM.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS - 02-06-2018 - AFLAC, 1,049.28, Insurance; Ameripride Services, Inc., 88.04, Services; Asphalt & Concrete Materials, 522.31, Cold Mix; Benefit Plans, Inc., 312.50, Administration, Black Hills Energy, 5,712.96, Utilities; Blue Cross & Blue Shield of NE, 64,921.19, Insurance; BMI Janitorial Group, 10,825.00, Janitorial; Bohling, Timothy, 44.93, Reimbursement; Capital One Commercial, 383.36, Supplies; Carpenter Paper Co., 929.81, Cleaning Supplies; CCL Supply, LLC, 566.50, Supplies; Center Point Large Print, 89.28, Books; Century Certified Services, 125.50, Pest Management/Control; Chick-Fil-A, 1,064.69, Sales Commissions; Coffee Carts and More, 1,205.64, Sales Commissions; Command Center, 1,616.44, Contract Labor; Concert Security Services, 289.00, Event; Cornhusker State Industries, 355.00, Rental; Cox Business Services, 1,449.89, Internet; Cutchall Management, 4,058.75, Services; Dearborn National Life Ins., 103.20, Fire Dept; Demco, 37.22, Labels; Donut Express, 2,285.05, Sales Commissions; DXP Enterprises, Inc., 19.80, Supplies; Eakes Office Solutions, 116.68, Supplies; Experian, 27.96, Services; Fleek, Brianna, 150.00, Cleaning Service; Forklifts of Omaha, 710.85, Repairs; Fraser Stryker, PC, LLO, 2,433.82, Professional Services; Gale/Cengage Learning, 143.35, Books; Great Plains Uniforms, 141.00, Uniforms; Great Western Bank, 24,970.52, Pension; Great Western Bank-Visa, 3,613.90, Supplies; Halbur, Bailey, 60.46, Reimbursement; Helget Gas Products, 79.86, Supplies; Hempel Sheet Metal, 65.33, Building Maintenance; Hockenbergs, 98.85, Supplies; Holiday Inn Express Ralston, 818.93, Rooms; Hometown Leasing, 147.00, Services; Humana Insurance Co., 2,448.34, Insurance; HyVee Accounts Receivable, 370.44, Supplies; Infinet Solutions, Inc., 3,727.01, Computer Support; Integrated Solutions, Inc., 529.35, Web Renewals; J.P. Cooke Company, 34.61, Supplies; JEO Consulting Group, Inc., 350.00, Comprehensive Plan; Johnson Brothers of Nebraska, 734.60, Alcohol Purchase; KCL Group Benefits, 1,258.81, Group Life Insurance; Kerwin, Kevin, 300.00, Artist Payment; Klabunde's Delivery, Inc., 40.00, Beverages; Klinker, Mark, 1,000.00, Legal Services; LaRue Coffee, 205.73, Coffee; Lead Forensics, Inc., 1,440.00, Advertising; Logo Logix Embroidery, 84.00, Uniforms; M & M Staffing, 2,508.08, Contract Labor; Maria's Enterprises, 7,574.78, Sales Commissions; Marshal, Laurel, 13.91, Reimbursement; Menards-Ralston, 534.75, Supplies; Metro, 1,051.00, Service Contract; Metropolitan Area Planning, 41.99, Luncheon; Mid-American Benefits, Inc., 90.00, FSA Plan Administration; Midwest Service & Sales Co., 253.00, Sign Posts; MUD-Utilities,

1,618.06, Utilities; NE Dept of Revenue, 117,768.00, 4th Qtr Lottery; Nebraska-Iowa Ind Fasteners, 68.92, Parts; Nebraska-Iowa Supply Company, 3,640.55, Supplies; NMC Exchange LLC, 945.73, Equipment; Omaha Compound Company, 279.25, Janitorial Supplies; Omaha Public Power District, 40,335.08, Utilities; O'Malley, Margaret, 561.00, Janitorial Timesheet; OS Sales Co., Inc., 900.66, Food; Papillion Sanitation, 27,226.53, Trash Collection; Paul Bartels Trucking Co., 119.92, Salt; Pepsi-Cola, 3,104.99, Soda; Prairie Life Fitness, 170.13, Employee Fitness; Protective Security Advisors, 7,846.75, Security; Publishers Prime, 61.37, Books; Purchase Power, 83.07, Services; Ralston Arena Operating, 29,166.67, Sales Tax; Ralston Automotive, 454.57, Supplies/Services; Ralston Fire Dept, Inc., 5,234.18, Training/Supplies; Ralston Insurance Agency, Inc., 34,015.00, Insurance; Ralston Recorder, 68.00, Subscription; Ralston Volunteer Fire Dept, 30,660.50, Fire Protection Agreement; Recorded Books, Inc., 202.88, CD; Reinhart Foodservice, LLC, 672.60, Food/Supplies; Ridder, Justine, 35.53, Reimbursement; Rose Brand Wipers, Inc., 362.37, Supplies; Rotella's Italian Bakery, 111.78, Bread; RYBA Construction, Inc., 1,125.00, Salt; Sarpy County, 1,408.59, Animal Control; Sno-Floss, 1,354.40, Sales Commissions; Solution One-NE, 252.41, Copier; Solution One-TX, 551.66, Copier; Southeast Area Clerks Association, 10.00, Annual Dues; Southern Glazers of NE, 2,376.24, Services; Spin Linen Management, 394.07, Linens; Staples Advantage, 232.80, Office Supplies; State of Nebraska, Motor Fuels, 116.00, 4th Qtr Fuel Tax; T.N.T Cleaning, 500.00, Janitorial; TALX UC Express, 137.81, Services; Theatrical Media Services, Inc., 288.95, Equipment, Trede Electric & Lighting, 638.94, Materials; U.S. Foods, 12,788.74, Food Supplies; United Way of the Midlands, 5.00, Donation; Vermillion, Jason, 196.00, Refund; Voya Institutional Trust Co., 2,850.00, Pension; Waldinger Corporation, 155.82, Repairs; Walmart Community/RFCSELLC, 881.21, Supplies; Weldon, Williams & Lick, Inc., 1,496.47, Services; Wells Fargo, 125.00, Services; Westlake Ace Hardware, 35.32, Supplies; Woodhouse Auto Family, 1,631.38, Vehicle Repairs.