

Ralston City Council Regular Meeting
Tuesday, September 3, 2019

The Ralston City Council met in regular session on Tuesday, September 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 Fidelity, Konwinski, Krause, Sanchez, and Preis. Council member Kavanaugh was 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.

Mayor Groesser 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 August 20, 2019 regular city council meeting, the August 20, 2019 Budget Workshop and August 27, 2019 Budget Workshop;
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: Fidelity, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Leonardo reported on the “Drive Sober or Get Pulled Over” campaign that ran from August 16th to September 2nd, 2019. During this time frame, officers made six DUI arrests. Sixty-six hours of overtime was paid from this grant with five officers working overtime. During all patrol time for the two week period, officers made 169 traffic stops, issued 77 citations, 111 warnings and several felony arrests.

Krajewski reported the grading for the new rain garden is complete and leveled out. The ice is being laid now in the arena and they are starting the plexi-glass conversion next week which will save on operational costs. Krajewski reported on upcoming arena events: Lancers pre-season games, Roller Derby, a Zamora concert. There will be a new show announcement coming on September 17th. The Omaha Beef is completing their schedule for the upcoming season.

Groesser opened discussion on the Habitat for Humanity Owner Occupied Rehabilitation CDBG pass through. Bohling indicated the pre-application in the packets was due on July 31st. This is for Habitat for Humanity to receive \$250,000 in CDBG funds to help 15 homeowners rehabilitate their homes. The final application is due by September 30th and will be before the City Council for approval at the next meeting. This is CDBG money to help people fix up their homes and doesn't cost the City anything.

Krause introduced Ordinance No. 1236. Russell read Ordinance No. 1236 by title only: AN ORDINANCE AMENDING SECTION 622 OF CHAPTER 5 OF THE RALSTON MUNICIPAL CODE DEALING WITH STORAGE AND PARKING OF INOPERABLE AND OPERABLE AUTOMOBILES; TO REPEAL PROVISIONS IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.

Groesser opened the public hearing and second reading of Ordinance 1236 at 5:36 PM. There being no comments, Groesser closed the public hearing at 5:37 PM. Konwinski moved and Fideline seconded to approve Ordinance 1236 on second reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Fideline introduced Ordinance No. 1235. Russell read Ordinance No. 1235 by title only: AN ORDINANCE AMENDING SECTION 10-8 OF ARTICLE TEN OF THE RALSTON ZONING ORDINANCE DEALING WITH PARKING FOR PERSONAL AND RECREATIONAL VEHICLES; TO REPEAL PROVISIONS IN CONFLICT THEREWITH AND TO PROVIDE AN EFFECTIVE DATE.

Groesser opened the public hearing and third reading of Ordinance 1235 at 5:38 PM. Troy Jamison, 5204 S. 81st Street, said the front driveway of his property is narrow but the backyard is large and easily accessible from the alley and he can safely store his travel trailer there. Before he started living in Ralston, he would store his trailer off-site and many items were stolen from his trailer. He keeps his property clean and presentable and his property is always at its best.

Jamison reached out to other community members about the ordinance. There were mostly concerns and issues with regards to storing off-site, issues such as higher insurance premiums, risk of theft, flooding, and damage from adjacent campers. As some of the vehicles and trailers and boats are high dollar items, storing them at their homes insures the safety and security of their belongings.

Jamison commented on the limit of the length of the trailer to 20 feet in the front and side yards with the result of many residents being in violation. He finds it unfair to people that have invested in their property to accommodate their possessions. He also has specific issues with the verbiage in the ordinance regarding preventing mud, dust or loose materials and commented on some City-owned alley materials. It is unfair and unreasonable to require a resident to have a pervious surface on their property in order to park their trailer when access through City property is not pervious and in line with the language in the proposed ordinance.

Jamison requested the Planning Commission and City Council reconsider the ordinance as it will cause residents of the community an unneeded and unnecessary financial burden to become compliant and/or store their property outside. Jamison said it would also be inappropriate for the City to enact an ordinance enforcing compliance when the easements leading to private property are not compliant themselves. He commented on the length

restriction and the new verbiage in the ordinance would cause people to be no longer compliant with an ordinance that has been on the books for over 25 years.

Recreational vehicles and travel trailers are being unfairly targeted. Jamison has noticed multiple trailers of different types and sizes, both open and closed residing in back yards, and front and side driveways that are used for business purposes. He asked the City Council to take the feedback into consideration.

Groesser inquired if Jamison has a proposed length and Jamison said his trailer from tongue to bumper is roughly 36 feet. Most trailers are going to be about 32 feet and some are even longer.

James Foote, 8203 Oakwood Street, has been camping for 35 years. He has had numerous items stolen from his camper when stored in a secure storage site. He can understand if people are parking in the street or blocking areas. Foote commented that this was gone through about 10 years ago and he doesn't see any reason for changing. If there needs to be a length, there will not be anything under 30 feet that people are going to buy. His trailer from tongue to bumper is 31.5 feet.

Ficenec explained he is the assistant City Attorney and has worked with the Planning Commission on the revision. He clarified for the record that what is before the City Council is not creating any new restrictions on the length of trailers. Anything that is in that section that restricts the length of the trailers is pre-existing language that is already on the books. The changes that are being made are to not allow parking of vehicles, whether automobile or recreational vehicle, etc., on the grass in a back yard. The intent is that it has to be parked on some sort of hard surface. The language indicating what type of surface is new language in the ordinance and was debated over several months by the Planning Commission. If the length of 20 feet is too short, that can be another amendment brought to the Planning Commission for review. What is being presented to the City Council at this meeting does not change that section of the Zoning Ordinance.

Chris Haynes, 7391 Madison Street, commented that he currently has a 25 foot Baja parked in his driveway and with the trailer it is about 32 feet long. He has installed a new pad on the side of his home and can still park a full vehicle in front of the boat without it infringing on the sidewalk. Haynes asked to amend the length to at least 32 feet. Ficenec said the change could be made but said it would have to be heard before the Planning Commission as a new change.

Discussion was held on the number of years the 20 foot length has been in the Zoning Ordinance and Krause indicated it has been at least 10 years. Krause said he is going to recommend to send the ordinance back to the Planning Commission to address the length.

Paula Ishi, 8211 Ralston Avenue, has a 40 foot camper and said it is legally parked at her residence as it has always been. She wants to keep the camper at her house and recommended the length be at least 45 feet. Groesser said the length can be discussed at the Planning Commission.

There being no further comments, Groesser closed the public hearing at 6:00 PM. Ficenec informed everyone that the Planning Commission meets on the second Monday of every month at 5:30 PM. The process is that any changes to the Zoning Ordinance goes to the Planning Commission first. That is where there is quite a bit of discussion before the recommendation is sent to the City Council. He encouraged people to attend the meetings.

There being no further discussion, Groesser called for the vote. Krause moved and Fideline seconded to table Ordinance 1235 and that the Planning Commission discuss the length of the vehicles. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Krause commented that there are people on the other side of this issue about where people park the trailers and how they park. The City receives numerous complaints about trailers protruding and parking on grass.

Krause introduced Ordinance No. 1237. Russell read Ordinance No. 1237 by title only: AN ORDINANCE CHANGING SEWER USE CHARGES BY AMENDMENT TO ORDINANCE NO. 439 AS AMENDED; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

Groesser opened the public hearing and first reading of Ordinance 1237 at 6:02 PM. Krause said Ralston has to pay for all of the work that is being done on the east side of 72nd Street in Omaha because Ralston is part of that system. Ralston's sewer fees are to keep up with the cost of the sewer. Groesser said it is the sewer separation project in Omaha. A \$2 billion project mandated by the Federal government.

There being no comments, Groesser closed the public hearing at 6:03 PM. Krause moved and Fideline seconded to approve Ordinance 1237 on first reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Groesser opened consideration of workers compensation and property and casualty insurance premium from Travelers Insurance/The Harry A. Koch Company. Paul Bretsen and Alec Hogan were present to speak about the renewal. Bretsen commented on the overall insurance market. There have been significant increases especially in wind/hail deductibles. He was pleased to report that they were able to maintain Ralston's deductibles at their current levels. The proposal presented is the same terms and conditions as expiring. The pricing is down about \$23,000 from last year due to the liquor liability exposure moving to Spectra. Also, the payroll for the City has been reduced due to the arena employees no longer being City employees.

There being no further discussion, Krause moved and Konwinski seconded to approve workers compensation, property and casualty insurance proposal from The Harry A. Koch Company/Travelers Insurance. On roll call vote, the following votes were recorded on the

electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Groesser opened consideration of the Fire Protection Agreement with the Ralston Volunteer Fire Department for a two-year term ending September 30, 2021. There being no discussion, Preis moved and Konwinski seconded to approve the Fire Protection Agreement with the Ralston Volunteer Fire Department for a two-year term ending September 30, 2021. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Groesser expressed his appreciation for the great job the Fire Department does.

Groesser opened consideration of the lease purchase of a Pierce Enforcer Pumper in the amount of \$541,878.44 for a 15 year lease payment of \$49,489.85 per year. Groesser indicated this is the new fire truck. The Fire Department has to meet certain requirements to keep the department safe and keep the insurance premiums level.

There being no further discussion, Krause moved and Sanchez seconded to approve the lease purchase of a Pierce Enforcer Pumper in the amount of \$541,878.44 for a 15 year lease payment of \$49,489.95 per year. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Groesser opened consideration of the bid for removal and replacement of the north sidewalk at the Ralston Arena. Krajewski indicated this would be for the north side and is ancillary to what was done under Phase 1. There is a section on the north side that creates a walking hazard. Three proposals were received and Krajewski recommended the proposal from Above and Beyond. They will also hot patch an area where the ramp abutment meets the top patio for an extra \$285.00.

There being no further discussion, Krause moved and Konwinski seconded to approve the proposal from Above & Beyond to remove and replace concrete on the north sidewalk in the amount of \$13,800.00 and hot patch in the amount of \$285.00. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Groesser opened consideration of the Master Agreement for Communications Cable and Facilities in Public Rights-of-Way between the City of Ralston and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services.

Groesser indicated Ficenec has been working with this company and the agreement is patterned after agreements with the cities of Papillion and La Vista. There being no discussion, Fideline moved and Krause seconded to approve the Master Agreement for Communications Cable and Facilities in Public Rights-of-Way between the City of Ralston and MCImetro Access Transmission Services Corp. d/b/a Verizon Access Transmission

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

Groesser opened consideration of appointing a Design Review Committee for the Hinge Project. The committee will review any designs for new buildings in the Hinge Project area. The committee members are: Kyle Vohl, an engineer with Elliot and Associates, Larry Jacobsen, a retired architect, and Doug Bisson, a planner with HDR and Hinge master plan project manager.

There being no further discussion, Krause moved and Konwinski seconded to approve the Mayor's appointments of Kyle Vohl, Larry Jacobsen and Doug Bisson for the Design Review Committee for the Hinge Project. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Krause, Sanchez, and Preis. Nay: None. Absent: Kavanaugh. Motion carried.

Public comment: Rich Onken, 6730 S. 77th Street, also chair of the Planning Commission commented on the Interlocal Agreement between Douglas County and the City of Ralston to issue building permits and provide building inspections. He commented on the \$30,000.00 of lost revenue and asked for reconsideration. Onken also commented on the gas franchise fee that was passed. Onken also commented on the \$1.00 per month tax for garbage collection that adds up to \$25,000.00. He said it sounds like there is a tax on the trash contract in order to pay for the lost revenue. Onken commented on the panel replacement project not being done for six to seven years. The City is using hundreds of tons of asphalt and there has to be funds for panel replacement or money is just going to be wasted on asphalt. If the building inspector will no longer be Freshman and he has no responsibility for building permits or inspections, the Planning Commission relies on him a lot. Onken expressed concern that he will no longer be a resource for the Planning Commission.

Council comment: Groesser commented on the Last Blast of Summer and expressed his appreciation to the Chamber for all their work.

There being no further business to come before the Council, the council adjourned at 6:17 PM.

There will be a special City Council meeting on Thursday, September 12, 2019 at 5:30 PM. The next regular meeting is Tuesday, September 17, 2019 at 5:30 PM.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS – 09-03-2019 –Access Systems Leasing, 5.00, Printers/Copiers; AFLAC, 856.56, Insurance; Ameripride Services, Inc., 106.23, Building Maint/Rugs; Asphalt & Concrete Materials, 309.83, Hot Mix; Black Hills Energy, 19.71, Utilities; Cengage Learning, Inc., 68.25, Books; Center Point Large Print, 89.28, Books; City of La Vista, 1,767.59, Special Services Bus; Cox Business Services, 572.30, Business Services; Doug Rutherford, 100.00, Lawn Mowing; Eakes Office Solutions, 101.04, Office Supplies; First Wireless, Inc., 270.00, Supplies; Fleek, Brianna, 180.00, Janitorial; FP Mailing Solutions, 66.00, Postage; Fraternal Order of Police, 660.00, FOP Dues; Global Spectrum, 35,000.00, Payroll, 401K, Healthcare; Great Western Bank-Pension, 23,151.46, Pension; Great Western Bank-Visa, 5,002.91, Miscellaneous Supplies/Expenses; Grunwald Mechanical, 19,224.00, Ralston Arena Piping; Halbur, Bailey, 43.34, Reimbursement; HDR Engineering, Inc., 11,263.84, Hinge Planning & Design; Humana Insurance Co., 2,569.67, Insurance; HyVee Accounts Receivable, 391.08, Supplies; Iowa Library Association, 45.00, Conference; JEO Consulting Group, Inc., 16,895.00, Professional Services; Klinker, Mark, 1,000.00, Retainage; League of NE Municipalities, 13,707.00, Membership Dues; Mackie Construction, Inc., 191,985.50, Ralston Arena Pavement; Menards-Ralston, 30.78, Supplies; MUD-Utilities, 5,256.45, Utilities; Nebraska Iowa Supply Co., 868.16, Fuel; Omaha Dispatch, 250.00, Advertising; O'Malley, Margaret, 288.75, Janitorial; Papillion Sanitation, 26,966.72, Trash Collection; Precision Spray Repair, 322.56, Supplies; Quill Corporation, 885.58, Supplies; Ralston Area Chamber of Commerce, 130.00, Services; Ralston Automotive, 404.04, Supplies/Services; Ralston Volunteer Fire Department, 16,250.00, Fire Protection Agreement; Recorded Books, Inc., 162.50, Books; Russell, Rosemarie, 87.00, Reimbursement; Sarpy County, 1,802.70, Animal Control; Specialized Engineering Solutions, 900.00, Professional Services; Suburban Newspapers, Inc., 535.78, Legals; T.N.T. Cleaning, 500.00, Janitorial; The Daily Record, 45.30, Legals; Unique Management Services, Inc., 26.85, Placements; Voya Institutional Trust Company, 2,600.00, Pension; Walmart Community, 158.25, Supplies; Wex Bank/Shell, 81.16, Fuel.