

Ralston City Council Regular Meeting
Tuesday, October 1, 2019

The Ralston City Council met in regular session on Tuesday, October 1, 2019 at 5:30 PM at Ralston City Hall. The Pledge of Allegiance was recited. Roll was called with the following present: Mayor Groesser and Council members Konwinski, Kavanaugh, Krause, and Preis. Council members Fideline 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 Greg Berger, Messiah Lutheran Church, gave the invocation. Mayor Groesser welcomed the press and guests. Groesser said the meeting is subject to the Nebraska Open Meetings Act and a copy of the Act is posted at the rear of the Council Chambers.

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

1. Minutes from the September 17, 2019 regular city council meeting;
2. Claims; and
3. Department Head and/or Commission Reports.

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

Halbur reported in 2018 there were several donations made to the Library Foundation in honor of Jo Gilreath who passed away in 2017. The Foundation used the funds for several English language literacy kits. There are four literacy kits that are available for check out to assist individuals who are learning English. Each of the kits goes up in levels as the individual progresses in their ability.

Halbur reported the Library has received the Gold Level Accreditation for another three years. The accreditation is to encourage library employees to promote the best library services they can to the community while meeting the benchmarks and standards that the state requires. Only about 25 percent of public libraries in Nebraska meet the gold standard. By being accredited at the gold level, the Baright Public Library also receives a small amount of funding allocated by the state.

Krause inquired about a heart attack victim at Ralston Keno and he asked the Fire Department what the response time was. Assistant Fire Chief Burbridge indicated they received a call from that location. Without providing much more specifics as much of the information is protected, Burbridge said they were able to respond and that Chief Eischeid will look at the response time and provide that information to the City Council members.

Krajewski recently met with different agents and promoters in Nashville. They are

currently holding nine shows between all the agencies and promoters. The shows include classic rock, country, comedy and contemporary shows. Krajewski reported on arena events including the Lancers, the Roller Derby and an additional country show for January 2020 that will be confirmed this week.

Groesser opened the public hearing at 5:38 PM to receive input on the restaurant and drinking places occupational privilege tax and determine whether the tax should remain in effect. There being no comments, Groesser closed the public hearing at 5:38 PM.

Klinker indicated this is the periodic review that was built into the restaurant tax. The provisions of the ordinance indicate that if the City Council members wish to keep the restaurant tax, simply do nothing. If the Mayor entertains a motion and no one makes a motion, things will stay just as they are.

Groesser called for a motion. As no motion was made, the occupation tax shall continue in full force and effect.

Krause introduced Ordinance No. 1239. Russell read Ordinance No. 1239 by title only: AN ORDINANCE PROVIDING FOR THE CONVEYANCE OF A CERTAIN DESCRIBED REAL ESTATE, SAME BEING OUTLOT B, THE COLONIES AT CEDAR CREST ADDITION TO CITY OF RALSTON, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA; DIRECTING THE CONVEYANCE OF SUCH REAL ESTATE, AND THE MANNER AND TERMS THEREOF, AND PROVIDING FOR AN EFFECTIVE DATE.

Groesser opened the public hearing and first reading of Ordinance 1239 at 5:39 PM. Groesser indicated there is a small parcel of property that is being transferred to the abutting property owner. There being no comments, Groesser closed the public hearing at 5:40 PM. Krause moved and Konwinski seconded to approve Ordinance 1239 on first reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Kraus, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Groesser opened consideration of the Interlocal Agreement between Douglas County and the City of Ralston for building permits and inspection services. Rich Onken, 6730 S. 77th Street, commented on the \$30,000.00 revenue stream of building permits being handed off to the County. He has read the agreement and sees that there is also a \$25.00 technology fee being added to the permit fee, which will be about another \$5,000.00 going to the County. Onken requested the City Council not approve the agreement. He sees an impact on the Ralston Planning Commission. Onken said Freshman attends all the Planning Commission meetings and he will still be available to attend. However, Onken sees that relationship fading and indicated that within a year the City will be hiring an engineering firm to advise the Planning Commission.

Onken inquired about subleasing the Accela program from Douglas County and hiring a part time administrative person to run it. The big piece that he sees is missing is the follow

up on inspections and he feels that help for Freshman has been needed in Public Works for a long time.

Onken commented on some other portions of the agreement. He would like to know what the County will commit to as far as response time. He also commented on the assessment paragraph where it indicates that on or about July 1, 2020, a formal assessment of the services provided under this agreement shall be performed. If the City does do this, there should be information as to what complaints have been received and the timeliness of the permitting process and the inspection process. Also, the City may have to consider a daily deposit to the County rather than a weekly deposit. Onken commented on the enforcement section.

Kent Holm, Director of Environmental Services, Douglas County, said that he cannot answer the question of subleasing the Accela program at this time. Holm commented on the inspections aspect and indicated that one of the nice things about Accela is that any Ralston citizen or staff can sign on as a user of Accela and get all the information that is relevant to any Ralston permit that has been issued. Holm said his department wants to be responsive and they anticipate there will be a very good working relationship with Forrest and Freshman. The County wants to be a good partner in this. The County Board sees this as a beneficial arrangement. They have some services and people who are qualified and they want to be able to share that and make it a “win-win” for both parties.

Holm said they certainly would want to hear about complaints and they want to make sure they are addressing any issues there may be. In terms of response times for permits, generally most of the permits that they would receive would be issued within a week if not within a couple of days. In terms of response times for inspections, that will vary with the seasonality and the type of permit they are dealing with. Holm said they are going to group the inspections with all the other jurisdictions so they are the most efficient going out. They are going to do their best to give Ralston timely service in the same way they give timely service to the other jurisdictions. However, some inspections need to be more timely than others.

Groesser has spoken with Freshman and committed to allow him to keep all his schooling up. He hopes that will be helpful to the Planning Department as well as Freshman being able to help on inspections. Holm said that is very much something that they would consider.

Krause inquired about the changes in the contract that Onken was referring to. Konwinski said she would like to know more about Accela and the \$25.00 technology fee in addition to the permit fee. Holm said they are implementing the \$25.00 fee in all the other jurisdictions. Ralston is the first that they have introduced that fee to. They anticipate that within the next six months or sooner they will have a fee schedule adjustment for Douglas County and the other jurisdictions as well.

Preis commented on the inspection fees being paid to Douglas County and sending Ralston’s inspector out to do the work. Holm said that they would only use Freshman in

NOW THEREFORE BE IT RESOLVED by the Ralston City Council and the Mayor of Ralston, Nebraska, that the said 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 1st day of October, 2019.

CITY OF RALSTON, NEBRASKA

BY: /s/ Donald A. Groesser, Mayor

Attest:

/s/Rosemarie Russell, City Clerk

Approved as to form:

/s/Mark A. Klinker, City Attorney

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

Kavanaugh introduced Resolution 2019-15. Russell read Resolution 2019-15 by title only: A RESOLUTION AUTHORIZING THE EXECUTION OF A MASTER LEASE-PURCHASE AGREEMENT FOR THE FIRE DEPARTMENT PUMPER.

Groesser opened consideration of Resolution 2019-15. Kavanaugh moved and Krause seconded to approve the following resolution.

**RESOLUTION AUTHORIZING)
THE EXECUTION OF A MASTER) RESOLUTION 2019-15
LEASE-PURCHASE AGREEMENT)
FOR THE FIRE DEPARTMENT)
PUMPER)**

RESOLUTION

Municipality/Lessee: City of Ralston, Nebraska

Principal Amount Expected to Be Financed: \$541,878.44

WHEREAS, the Municipality is a political subdivision of the State in which Municipality is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Municipality ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases as appropriate and necessary to the functions and operations of the Municipality.

WHEREAS, PNC Equipment Finance, LLC (“Lessor”) shall act as Lessor under said Leases.

NOW, THEREFORE, Be It Ordained by the Governing Body of the Municipality:

Section 1. Either one of the Mayor OR City Administrator (each an “Authorized Representative”) acting in behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. Each Authorized Representative acting on behalf of the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the Municipality.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Municipality as set forth therein.

Section 4. The Municipality’s obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality’s obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Municipality reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not “qualified 501(c)(3) bonds”) during the current calendar year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.
ADOPTED AND APPROVED ON the 1st day of October, 2019.

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

The undersigned Clerk of the above-named Municipality hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Municipality, that the foregoing resolution was duly adopted by said Governing Body of

the Municipality at a meeting of said Governing Body and that such resolution has not been amended or altered and is in full force and effect on the date stated below.

LESSEE: City of Ralston, Nebraska [SEAL]
Print Name: Rosemarie D. Russell
Official Title: City Clerk
Date: October 1, 2019

Preis said he was under the impression that the Fire Department was taking the lease and the City was making the adjustments with the money to the budget but now the City is actually the entity taking the lease out. Bohling commented on the sales tax implications. If the Fire Department purchased the fire truck, they would have to pay roughly another \$35,000.00 in sales tax. In order to avoid that cost, the City is going to own it and keep it in the same way they have owned fire trucks in the past until they are paid off and then deed the fire truck over to the Fire Department.

Preis inquired about Section 12.1 of the agreement where it indicates that “Lessee shall not sublet or lend any equipment or permit it to be used by anyone other than Lessee or Lessee’s employees.” He indicated that the Ralston Volunteer Fire Department are not employees of the City.

After discussion, Klinker indicated that changing that paragraph to include “Lessee’s agents and employees” will suffice. He suggested to move ahead with approving the resolution on the condition that it be changed. It has been part and parcel of any discussion with the Lessor that they know who is going to be using the truck, they know the relationship.

Ficenec pointed out that it is anticipated that the purchase price will actually be made on October 7th and said it might be better instead of holding this item over to approve it subject to the language that Klinker recommended so it can continue to be on schedule.

Kavanaugh moved to amend his motion to approve the resolution subject to changing Section 12.1 of the master lease-purchase agreement to indicate “Lessee’s agents or employees”. Krause seconded. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Kraus, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Groesser opened consideration of his appointment of Scott Olsen to the Board of Adjustment to fill Mike Kennelly’s unexpired term. Krause moved and Konwinski seconded to approve the appointment of Scott Olsen to the Board of Adjustment to fill Mike Kennelly’s unexpired term. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Kavanaugh, Kraus, and Preis. Nay: None. Absent: Fideline and Sanchez. Motion carried.

Klinker commended Russell on providing the information regarding the sunset provision on the restaurant tax.

Public comment: Amy Roeder, Chamber President, thanked the City for the assistance provided for the Ral-Stein event. The businesses were very satisfied with all the attendees.

Council comment: Konwinski congratulated the Library on receiving the gold level accreditation. Kavanaugh also congratulated the Library on continuing the tradition of gold level accreditation. Groesser also congratulated the Library. Groesser reminded everyone of Senator Lathrop's Town Hall meeting in the Centennial Room. Groesser commented on the successful Ral-Stein event.

There being no further business to come before the Council, the meeting adjourned at 6:09 PM.

The next regular meeting is Tuesday, October 15, 2019 at 5:30 PM.

/s/Rosemarie D. Russell
City Clerk

/s/Donald A. Groesser
Mayor

CLAIMS – 10-01-2019 – Above & Beyond, 8,542.50, Arena Concrete; American United Life Insurance Company, 1,898.84, Life Insurance; Ameripride Services, Inc., 106.23, Services; APWA, 202.00, Membership; Asphalt & Concrete Materials, 907.28, Materials; Baxter Auto, 1,075.18, Repair; Black Hills Energy, 2.42, Utilities; Blue Cross & Blue Shield, 42,869.34, Health Insurance; Cengage Learning, Inc., 186.19, Books; Center Point Large Print, 89.28, Books; Century Certified Services, 28.00, Pest Management; Christopher A. Didamo, 3,000.00, Services; City of La Vista, 1,073.02, Special Services Bus; City of Omaha Cashier, 137,272.62, Sewer Billing; City of Ralston Lottery Jackpot Fund, 3,470.05, Transfer to Lottery Jackpot Account; City of Ralston Restaurant Tax, 5,529.80, Restaurant Tax Credit Card Payments; Cox Business Services, 572.25, Cable/Phones; Eakes Office Solutions, 67.55, Office Supplies; Fleek, Brianna, 120.00, Janitorial; Fraser Stryker, PC LLO, 118.50, Professional Services; Fraternal Order of Police, 660.00, FOP Dues; Global Equipment Company, 8,000.00, Management Fee; Great Western Bank-Pension, 14,886.96, Pension; Great Western Bank-Visa, 2,747.66, Miscellaneous Charges; Groesser, Donald, 676.00, Reimburse Travel Expense/Conference; Halbur, Bailey, 55.85, Reimbursement; Humana Insurance Co., 498.89, Dental & Vision Insurance; IACP, 525.00, Dues; ILL – Lending, 10.00, Professional Fees; JEO Consulting Group, Inc., 17,743.00, Professional Services/Arena/Street Paving/Master Plan; Jones Automotive, Inc., 430.53, Parts & Labor; Klinker, Mark, 1,000.00, Legal Fees; KS StateBank, 31,691.66, Street Sweeper Pymt; Leonardo, Marc, 105.03, Petty Cash; Marriott Hotels & Resorts, 375.00, Conference Expense; Martin Asphalt, 177.60, Asphalt; Menards-Ralston, 165.55, Supplies; Metropolitan Utilities District, 143.55, Utilities; MidAmerica Books, 173.55, Books; Mid-American Benefits, Inc., 1,850.44, FSA; MUD-Utilities, 4,840.79, Utilities; Nebraska Iowa Supply Co., 927.15, Fuel; Nebraska State Patrol, 560.00, License Fees; Nebraska-Iowa Ind Fasteners, 4.67, Supplies; Newman Signs Inc., 998.72, Signs; NSAWWA, 115.00, Conference; OCB Plumbing, 99.00, Service Call; Omaha Compound Company, 33.60, Building Maint; Omaha Douglas Publ Bldg, 12.25, Parking; O'Malley, Margaret, 286.00, Janitorial; Overhead Door Co of Omaha, 281.50, Parts & Labor; Papillion

Sanitation, 26,810.24, Garbage Collection; PCS Mobile, 2,619.00, Software/Maintenance; Pioneer Publishing, 387.00, Advertising; Ralston Area Chamber of Commerce, 60.00, Conference/Luncheon; Ralston Automotive, 540.64, Services/Repairs; Ralston Fire Dept Inc., 16,737.00, Fire Contract; Recorded Books, Inc., 162.50, Audio Visual; Rose Equipment, Inc., 49,820.00, Crack Sealer; Sarpy County, 1,802.70, Animal Control; Suburban Newspapers, Inc., 205.00, Legal Publishing; T.N.T. Cleaning, 500.00, Janitorial; Voya Institutional Trust Company, 1,300.00, Pension; Waldinger Corporation, 7,340.00, Services; Westlake Ace Hardware, 6.83, Supplies; Wex Bank/Shell, 34.88, Fuel.