

Ralston City Council Regular Meeting
Tuesday, October 16, 2018

The Ralston City Council met in regular session on Tuesday, October 16, 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, Alberhasky, Sanchez, and Preis. Council member Krause 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.

Pastor Jim Haack, Beautiful Savior 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 following building permits were approved: #10340 to John E. Fifer Jr, 7632 Drexel Street – Install Deck - \$5,020.00; #10407 to Pedro Buenrostro, 4741 S. 78th Street – Install Gutters, Downspouts, and Siding Repair - \$1,200.00; #10408 to Gary D. Fletcher, 4937 S. 78th Street – Replace Fence - \$428.00; #10419 to Kolacz Management, 5617 S. 77th Street – Replace Awning - \$225.00; #10420 to Paula E. Schani, 6735 S. 73rd Avenue – Replace Furnace and A/C - \$5,213.00; #10422 to Michael E. Alley, 6616 S. 84th Avenue – Install Furnace and A/C - \$3,200.00; #10423 to Seranco Enterprises LLC, 5034 S. 83rd Street – Repair Roof - \$20,000.00; #10425 to Edward C. Champlin, 7423 Washington Street – Remove & Replace Roof - \$3,883.00; #10426 to Bradley A. Vytlas, 6622 S. 85th Avenue – Remove and Replace Roof - \$8,400.00; #10427 to Leslie L. Cooper, 6733 S. 81st Street – Install Furnace & Coil Exhaust Fan - \$3,000.00; #10428 to Bernard Wierzbicki, 6603 S. 85th Avenue – Covered Deck, Replace Roof and Gutters - \$20,000.00; #10429 to Kelsey Ostendorf, 4933 S. 77th Avenue – Reroof and Replace Deck - \$6,000.00; #10430 to Channen Companies, LLC, 8045 L Street – Complete Electrical Work - \$15,208.00; #10431 to Robertson Properties, 6809 S. 84th Street – Install Split System and HVAC Connections - \$8,806.00; #10432 to Rosemary Hansen, 7508 State Street – Remove and Replace Roof - \$8,412.00; #10433 to Richard S. Vranicar, 8110 Ralston Avenue – Replace Furnace and A/C - \$7,000.00; #10434 to Richard L. Thompson, 7726 Main Street – Replace Water Heater - \$500.00; #10435 to Omaha Brick Works Inc., 6100 S. 72nd Street – Demolition of Chimney and Brick Structures - \$0; #10436 to HBI LLC, 7773 Oakwood Street – Remove and Replace Asphalt Shingles - \$2,700.00; #10437 to Annie L. Mathis, 7320 Washington Street – Remove and Replace Asphalt Shingles - \$16,472.00; #10438 to Bernard W. Wierzbicki, 6603 S. 85th Avenue – Install Lights & Fan on Covered Porch - \$800.00; #10439 to Steffensmeier Insurance Agency, 7608 Park Drive – Install New Sign - \$650.00; #10440 to David Ludwig, 7744 Dodson Circle – Complete Sewer Repair - \$4,000.00; #10441 to Maywood School LLC, 5402 S. 77th Street – Install Monument Sign - \$3,000.00; #10442 to Paul L. Blomstedt, 8320 Main Street – Install New Roof - \$3,000.00; #10443 to Vukota Fireside Village Apt, 8214 Wilson Drive – Replace Roofs

- \$65,000.00; #10444 to 7615 Holdings, LLC, 7615 Park Drive – Re-Roof - \$3,800.00; #10445 to Bruce Thoene, 5222 S. 83rd Street – Install Egress Window - \$3,290.00; #10446 to Omaha Brickworks Inc., 6100 S. 72nd Street – Change Existing Sign - \$6,800.00; #10447 to John Harrington, 8013 Wildewood Drive – Replace Furnace - \$3,074.00; #10449 to John Kozeny, 6711 S. 73rd Terrace Circle – Replace Sewer Pipe - \$1,000.00.

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

1. Minutes from the October 4, 2018 regular city council meeting;
2. Claims;
3. Monthly Financial Report;
4. Claim received from Abboud Law Firm on Behalf of Michael Atchinson; and
5. Department Head and/or Commission Reports.

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

Freshman reported on the possible change order estimate from Schemmer on the Ralston Mill & Overlay 2018 project and commented on the areas that have been milled. After milling most of the project, the base repairs are running substantially over. There is curb and gutter that will need to be repaired beyond the base repair. There were also an inlet and box repair that needed to be done. Freshman commented on the 10 percent contingency and that there always needs to be a contingency for tonnage on the asphalt.

Freshman commented on the 2-inch cold planing and constructing asphalt surface. The milling was going to be down Miller Avenue to the start of the gazebo, but that area was deducted and approximately \$9,000 credited. The estimated additional funds needed for the change orders (including the contingency) is \$110,000. However, Freshman indicated that he believes the additional funds needed is closer to \$120,000 in order to do a more complete job. Since there will also be some variation, Freshman asked for the discretion to not exceed \$150,000.

At the request of the Public Works Director, Groesser asked for a motion and a second to add an emergency action item to the end of the agenda to discuss and consider action on the possible change order estimate from Schemmer Associates for the Ralston Mill & Overlay 2018 project. Preis moved and Fideline seconded to add the emergency action item to the end of the agenda. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Alberhasky, Sanchez, and Preis. Nay: None. Absent: Krause. Motion carried.

Halbur reported the September statistics are included in the packets. She encouraged everyone to attend the Lunch and Learn Event at the Library tomorrow. The annual book sale is October 26th to 28th.

Benis reported on arena events: Lancers opening games; Ralston Chamber lunch; Get the LED Out, Kareen Allison-Blues and Jazz; Bill Engvall, a Zamora concert, and a youth tournament all weekend. Starting on Monday will be the Metro Volleyball Tournament Championship. Discussion was held on the Curling Championship in December. Benis said it is a good exposure for the City of Ralston.

Forrest reported on the first edition of the newsletter. Russell indicated it is planned to be a quarterly newsletter. It will be available on the City's website. People can also sign up on the City's website to receive the newsletter via email. There will be copies at the Library, City Hall, Chamber Office and the Senior Center. The goal is to keep everyone informed and up to date on what is happening in Ralston.

Groesser opened discussion on the proposed change to Sunday alcohol sales. Forrest said the City received a letter from Ralston Keno, The Village Bar, and Scorz Sports Center requesting a change the sale of alcohol to 6:00 a.m. from 12:00 p.m. on Sundays. Keith Lewis, Ralston Keno, said they feel that Ralston is the last community to change this law. Keno opens at 8:30 a.m. and they already serve breakfast and changing the time of sale of alcohol will help his business a little bit to be able to serve alcohol.

Leonardo said he will not endorse this request one way or the other, however, the surrounding communities do allow the sale of alcohol at 6:00 a.m. on Sundays. Leonardo doesn't believe that the change to 6:00 a.m. on Sundays will cause a disruption.

After some discussion, Groesser asked Klinker to draft an ordinance to make the change.

Groesser opened discussion on the amendments to Article 11: Sign Regulations of the Ralston Zoning Ordinance. Forrest said these amendments were presented at the last council meeting and were included on the agenda in case there were any further comments.

Groesser opened discussion on the Downtown Ralston Signage Design Guidelines. Forrest indicated these were included on the agenda in case there were any further comments.

Groesser opened discussion on fireworks. Fideline had requested this item be on the agenda. He feels the City should have respect for veterans and animals and he would like to change Ralston's fireworks ordinance. Fideline commented on the large fireworks show held on the fourth of July down by the Arena. He would like to change Ralston's ordinance to mirror Omaha's new ordinance of sales for 10 days and three days to shoot off fireworks.

Preis said he would like more information and asked if Papillion and La Vista have any changes in mind. Preis inquired of the number of complaints received by the Police Department, how many fire calls the Fire Department has responded to and the impact

it would have on the non-profit groups. Groesser said that the mayors of Papillion, Bellevue and La Vista have indicated there are no plans to change their ordinances.

Amy Roeder, Chamber Director, commented that a large part of the Chamber's budget comes from fireworks sales. The money is used for scholarships and many other activities that help support the Chamber. Without the sales some of the activities may suffer. There are three Ralston non-profit organizations that work the fireworks stands so that money may be decreased for them as well. The Ralston Area Chamber is against a shortened sales period and Roeder urged the City Council to oppose the change.

Larry Dotterer, 9268 Z Street, Ralston, Scoutmaster of Troop 377, said there are 22 scouts in his troop and the fireworks fundraiser really helps the scouts. Forty to fifty percent of his troop are from a single parent family and 100 percent of the funds from the fundraiser are used for the scouts who work the fireworks stand. The scouts use the money for trips and other activities.

Jeff Zavoras, 8017 Main Street, Assistant Scoutmaster of Troop 377, feels the concerns about the veterans. He is also a pet owner and works at 911 where they take fireworks call. Ralston does not do nearly the same kind of business that Omaha does with regard to overnight fireworks activities. Ralston residents are done shooting off fireworks by 10:00 PM and if not, the Police are quick to get them shut down. Cutting the days back would hurt the boy scout's fireworks sales.

Konwinski said that Ralston is Independence City. She loves fireworks and doesn't think that the amount of days should be reduced. Konwinski would at least like the number of sale days to remain the same.

Preis commented that the sales may fall off if people can only shoot them for three days and it may have a trickle-down effect on the non-profits. Forrest will get more information and include this as a discussion item for the next council meeting.

Groesser opened discussion on the occupancy certificate. Forrest commented on occupancy certificates for commercial uses and having new commercial business owners come into City Hall to register their business. Then the zoning requirements could be examined to insure that the business conforms to the zoning district, as well as any fire and safety issues there may be. Forrest said this is not something that the City of Ralston has done but it is something the City Council may want to consider. Klinker inquired how it would be enforced. Forrest suggested reaching out to the realtors and the Chamber and the word will get around. Groesser indicated this has been discussed in the past and it would be good to pursue it.

Groesser read a proclamation proclaiming October 14th through 20th, 2018 as Veterinary Technician Week in the City of Ralston.

Groesser opened consideration of the contract with Magical Journey Carriage Service of 2058 Farnam Street, Omaha, NE for carriage services for Holiday Magic on

Council, the City Administrator, all departments, employees, and City boards and commissions; and

WHEREAS, the City Attorney represents the City as legal counsel in civil and criminal matters, including administrative and court proceedings; and attends all City Council, Planning Commission and Board of Adjustment meetings and other board and commission meetings on request of the Mayor and/or City Administrator;

WHEREAS, the City Attorney provides legal advice, written legal opinions, and consultation on all matters affecting the City to the City Council, City Administrator, boards, commissions, committees, officers, and employees of the City as requested by the Mayor, City Council, and/or the City Administrator in accordance with such policies and procedures as may be established by the City from time to time pursuant to the Nebraska Revised Statutes and the Ralston Municipal Code; and

WHEREAS, Mark J. Klinker was appointed as the City Attorney for the City of Ralston in 1993 and proposed to continue such service pursuant to an Engagement Letter dated October 10, 2018, a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein.

NOW, THEREFORE, BE IT RESOLVED the Ralston City Council and the Mayor of Ralston, Nebraska, hereby accept the terms of said Engagement Letter and authorize the Mayor to execute same on behalf of the City. Dated this 16th day of October, 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

On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Sanchez, and Preis. Nay: Alberhasky. Absent: Krause. Motion carried.

Groesser opened for consideration the Defined Benefit Pension Plan Investment Policy. Forrest indicated this policy was discussed at the last meeting and it is based on a few models from the pension plan administrators. The investment policy provides for moderate growth of 60 percent equities and 40 percent bonds. Konwinski indicated the Pension Committee had discussed 65 percent/35 percent, but the employees at the committee meeting felt the 60 percent/40 percent was fine.

There being no further discussion, Konwinski moved and Fideline seconded to approve the Defined Benefit Pension Plan Investment Policy. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Alberhasky, Sanchez, and Preis. Nay: None. Absent: Krause. Motion carried.

Groesser opened consideration of the agreement between the City of Ralston and the Fraternal Order of Police, Ralston Lodge #21, for the period of October 1, 2018 through September 30, 2021. Fidelity said that were numerous meetings with all representatives and the agreements are listed on the document in front of the City Council.

There being no further discussion, Fidelity moved and Konwinski seconded to approve the agreement between the City of Ralston and the Fraternal Order of Police, Ralston Lodge #21, for the period of October 1, 2018 through September 30, 2021. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fidelity, Alberhasky, Sanchez, and Preis. Nay: None. Absent: Krause. Motion carried.

Groesser opened consideration of the emergency action item of the change order estimate from Schemmer Associates for the Ralston Mill & Overlay 2018 project. Bohling commented that this project is currently being funded by a bond. The City would be looking at using lottery funds to cover the extended costs due to the overruns. There is currently approximately \$1.5 million in the Lottery Fund.

Groesser said that one never knows what is going to be uncovered. The concrete underneath the asphalt needs to be cleaned up before pouring asphalt on top of it or the City will be in the same position within three years. It is important to do this so the streets can be repaired. Preis said that there is really no choice but to do this. Fidelity commented on the parade route being brick underneath the asphalt currently there.

Klinker said the City Council needs to comply with Resolution #9018 and the City Council will need to have a public hearing on the use of the funds. Groesser opened a public hearing on the use of lottery funds at 6:08 PM.

Konwinski moved and Preis seconded to override Resolution #9018, a resolution setting policy that interest only from the Lottery Fund shall be allowed to be used in the future for budgeted expenditures, and authorize to spend in excess of lottery funds up to \$150,000.

George Sevick, 8001 Main Street, inquired if that wasn't what the lottery funds are for, i.e., community betterment. He also commented on the broken up handicap sidewalk at Orval Smith Field.

Terri Alberhasky, 8031 State Street, inquired about the total cost of the project and commented on the change order being 25 percent of the total cost.

There being no further comments, the public hearing was closed at 6:11 PM. Groesser called for the vote. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fidelity, Alberhasky, Sanchez, and Preis. Nay: None. Absent: Krause. Motion carried.

Konwinski moved and Fideline seconded to approve the change order estimate from Schemmer Associates for the Ralston Mill & Overlay 2018 project. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Alberhasky, Sanchez, and Preis. Nay: None. Absent: Krause. Motion carried.

Public comment: George Sevick, 8001 Main Street, commented on a citizen feeding the feral cats at Orval Smith Field using paper bowls and leaving the bowls in the park. Klinker suggested talking to the Humane Society and commented that in the past the City has participated in a feral cat program.

Jeff Zavoris, 8017 Main Street, commented on a future Eagle Scout project for dugout covers at Pierson Field. Preis said that Ralston Baseball has given directive on what they have to do to put those covers on. Forrest said the best place to start the conversation would be at the Sports Committee meeting. Forrest suggested Zavoris work with Aaron Savine to put this on the Sports Committee agenda.

Council comment: Sanchez commented on discussion earlier in the council meeting on Ordinance 1229 and a comment made regarding the Sewer Fund reserve. He indicated that it would be prudent to conduct a study of what a reasonable amount of reserve would be in case there was a catastrophic event. Sanchez said the comment made previously seems to be an opinion and not fact based. Alberhasky inquired of Freshman at what point will the old sewer pipes be replaced and the cost. Freshman said when he came on board 20 years ago, the approach was when the street was done, the utilities were done as well. However, he cannot answer the question of how much will be spent if sewer pipes have to be replaced. There was a time when \$50,000 covered one section of a sewer line but the City has also spent \$350,000 in the past and Freshman cannot quantify a worst case scenario. Discussion was held on using the camera on the system and if Freshman has noticed any failures.

Alberhasky expressed concern that when the Sewer Fund reaches \$1 million, it will be used the same as the Lottery Fund money. Freshman said when the CSO mandate came down from the federal government that Omaha has to charge back to all the users of their system, they said that the sewer charge on the bill will increase. Unfortunately there is more to come. Alberhasky said if he was assured that the money from the Sewer Fund was to only be used for sewer, he wouldn't have any problem with it. However, he feels that the money will be used for other things like the lottery money is used. Freshman commented that the camera equipment that the City has been able to purchase has made them more knowledgeable, but there are too many things that are beyond the City's control.

There being no further business to come before the Council, the meeting was adjourned at 6:25 PM.

Next regular meeting Tuesday, November 6, 2018 at 5:30 PM.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS -10-16-2018 – AA Wheel and Truck Supply, Inc., 203.62, Supplies; AFLAC, 1,237.56, Insurance; Agrivision Equipment Group, 430.35, Parts; American Legion Post #373, 600.00, Basement Rent; American Lift & Sign Service, 5,907.50, Monthly Service; Ameripride Services, Inc., 195.06, Building Maint/Rugs; Appetize Technologies, Inc., 3,598.60, Arena Services; Becker Arena Products, Inc., 51.62, Ice Supplies; Better Containers Mfg Co Inc., 408.05, Supplies; Benefit Plans Inc., 250.00, Services; Black Hills Energy, 88.96, Gas; BMI Janitorial Group, 2,396.25, Janitorial; Bohling, Timothy, 395.00, Reimbursement Training Expense; Bryon Hanson, 86.91, Reimbursement; Carpenter Paper Co., 611.85, Supplies; Caselle, Inc., 1,151.00, Contract Support; Cavanaugh Macdonald Consulting, 605.00, Benefit/Pension; Century Certified Services, 129.00, Pest Management; City of Omaha Cashier, 52,471.88, Sewer Billing; City of Ralston Lottery Jackpot Fund, 3,512.57, Transfer to Lottery Jackpot Account; Command Center, 842.00, Contract Labor; CompChoice, 25.00, New Hire Medical Testing; Cornhusker Sate Industries, 355.00, Rental; Cox Business Services, 3,893.40, Cable/Internet; Diamond Laundry Services, Inc., 49.90, Laundry Service; Douglas County Treasurer, 37.60, Citations; Dugan Printing, 348.31, Services; Eakes Office Solutions, 585.70, Office Supplies; Enviro-Master Services, 329.00, Janitorial; Experian, 27.00, Services; Factory Motor Parks Co., 390.07, Parts; Fleek, Brianna, 100.00, Janitorial; Focus, 1,200.00, Advertising; Forklifts of Omaha, 8,000.00, Batteries; Gale/Cengage Learning, 189.52, Books; Global Financial Group, 151.91, Armored Car Service; Grainger, 212.84, Supplies; Great Western Bank Wealth Management, 10,522.01, Pension; Great Western Bank-Visa, 523.21, Supplies; Halbur, Bailey, 68.09, Reimbursement; HDR Engineering, Inc., 1,067.60, Hinge Planning & Design; Helget Gas Products, 262.45, Supplies; Holiday Inn Kearney, 278.85, Conference; Hometown Leasing, 383.96, Leasing; HyVee, 797.29, Supplies; Infogroup, Inc., 321.00, Directories & Subscriptions; Ingram Library Services, Inc., 2,163.25, Books; Integrated Solutions, Inc., 2,437.33, Computer Support; Interstate All Battery Center, 559.80, Battery; Klinker, Mark, 3,026.00, Legal Services; LaRue Coffee, 297.19, Coffee; League of NE Municipalities, 443.00, Annual Conference; Leonardo, 66.93, Reimbursement; Loveless Machine & Grinding, 135.00, Services; M & M Staffing, 1,014.78, Contract Labor; Magical Journey Carriage Service, 1,200.00, Holiday Magic; Marshall, Laurel, 9.27, Reimbursement; Master Blaster, Inc., 1,550.00, Maintenance; Menards-Ralston, 240.56, Supplies; Metro, 550.00, Service Contract; Micro Marketing LLC, 117.32, Books; Mid-American Benefits, Inc., 129.50, Admin Fees; Midwest Sound & Lighting, 135.00, Equipment Rental; Nebraska Department of Revenue, 128,334.00, Sales Tax; Nebraska Department of Transportation, 400,000.00, 84th Street Viaduct Pymt; Nebraska Iowa Supply Co., Inc., 948.48, Supplies; Nebraska Salt & Grain Co., 1,725.00, Ice Control Salt; NMC Exchange LLC, 1,005.73, Rental

Fee; OCLC, Inc., 352.01, Cataloging and Metadata; Olsson Associates, 3,600.00, Professional Services; Omaha Dispatch, 500.00, Advertising; Omaha Douglas Publ Bldg Comm, 8.75, Parking; Omaha Public Power District, 17,184.86, Utilities; Omaha World Herald, 823.62, Legal Publ; O'Malley, Margaret, 418.00, Janitorial; One Call Concepts Inc., 75.09, Locate Fees; Peopleready Inc., 124.72, Contract Labor; Pepsi-Cola, 3,256.83, Soda; Port-A-Johns, Inc., 140.00, Portable Restroom Rental; Quill Corporation, 67.73, Supplies; Ralston Automotive, 224.51, Supplies; Ralston Fire Dept Inc., 767.00, EMS Provider; Ralston Schools Foundation, 25.00, Misc.; Ralston-Byers Insurance Agency, 575.00, Officials Bonds Renewal; Recorded Books, Inc., 522.26, Books; RediTech, 954.22, Computer Support; Regal Printing Co., 580.00, Wedding Planner; Reinhart Foodservice, LLC, 560.33, Food; Ridder, Justine, 18.09, Reimbursement; Robertson Properties, 4,500.00, Reimbursement; Romeo Entertainment Group, Inc., 5,625.00, Consulting Fee; Schemmer Associates, 351.22, Services; Spin Linen Management, 178.20, Linens; Staples Advantage, 51.75, Supplies; State of Nebraska Motor Fuels, 27.00, Fuel Tax; TALX UC Express, 144.70, Supplies; T.N.T. Cleaning, 500.00, Janitorial; The Reader, 2,322.00, Advertising; Trans Union Risk & Alternative, 25.00, Services; U.S. Foods, Inc., 2,846.94, Food; Unique Management Services, 71.60, Services; Venue Solutions Group, LLC, 8,000.00, Arena Services; Verizon Wireless, 1,696.86, Cell Phones; Waldinger Corporation, 3,618.00, Maintenance Contract; Water Engineering, Inc., 175.00, Monthly Service Agreement; Westlake Ace Hardware, 26.49, Supplies.