

Ralston City Council Regular Meeting
Tuesday, April 21, 2020

Pursuant to the Governor's Executive Order No. 20-03, the Ralston City Council met via teleconference on Tuesday, April 21, 2020 at 5:30 PM. Roll was called with the following present: Mayor Groesser and Council members Konwinski, Fideline, Krause, Kavanaugh, Sanchez, and Preis. The agenda was available at City Hall and on the City's website at www.cityofralston.com and posted prior to the meeting. The legal notice for the meeting was published in the Ralston Recorder. Claims listed are approved and part of these minutes.

Council member Konwinski gave the invocation. Mayor Groesser welcomed the press and guests. Groesser said the meeting is subject to the Nebraska Open Meetings Act and a copy of the Act is posted at the rear of the Council Chambers and is available to view on the City's website at www.cityofralston.com.

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

1. Minutes from the April 7, 2020 regular city council meeting;
2. Claims;
3. Monthly Financial Report; and
4. Department Head and/or Commission Reports.

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

Groesser read a proclamation proclaiming April 19 to 25, 2020 as National Library Week 2020. Konwinski thanked Library Director Halbur and her staff for the excellent job they are doing at the library.

Kavanaugh introduced Ordinance No. 1251. Russell read Ordinance No. 1251 by title only: AN ORDINANCE TO REVISE AND AMEND ARTICLE 10 OF CHAPTER 10 OF THE RALSTON MUNICIPAL CODE, TELEPHONE FRANCHISE; TO PROVIDE FOR THE REPEAL OF ALL PROVISIONS OF THE RALSTON MUNICIPAL CODE WHICH ARE IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.

Groesser opened the public hearing and second reading of Ordinance No. 1251 at 5:40 PM. After some discussion, Ficenc indicated this ordinance updates the Municipal Code where telecommunication companies would all be charged the same occupation tax. The occupation tax is currently five percent and is limited by the FCC and all companies have to be charged consistently.

There being no further discussion, Groesser closed the public hearing at 5:45 PM. Krause moved and Konwinski seconded to approve Ordinance No. 1251 on second reading. On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Konwinski introduced Resolution 2020-08. Russell read the title of Resolution 2020-08: A resolution authorizing amendments to the City of Ralston Civilian Retirement Plan and repealing Resolution 2020-07.

Russell indicated that at the last council meeting, Resolution 2020-07 was approved to authorize loan provisions. There was a misunderstanding of the section of the loan limitations which indicated the minimum loan will be \$1,000 and may not exceed \$1,000. Russell said that section simply means that the minimum loan can't be higher than \$1,000. There is no option to limit the maximum loan amount because the City has to abide by the IRS regulations which state the maximum loan limit is 50 percent of a participant's vested account balance not to exceed \$50,000. Resolution 2020-08 repeals Resolution 2020-07.

Hoppe commented that he had a discussion with Great Western Bank about some changes made in federal law in regards to withdrawals to retirement accounts as a result of the Cares Act. The changes are designed to make it easier for people to use the retirement money to get through these difficult times if they have contracted COVID, been furloughed as a result of COVID, or had COVID related absence from work. This is different from what the loan provisions indicated earlier.

There are plans to have the Pension Committee meet to discuss the changes and make any recommendations about going beyond what is in Resolution 2020-08. He emphasized that the Cares Act pieces don't require cities to do anything, but gives the authority to make disbursements of loans greater than what are authorized in Resolution 2020-08 if the City wishes to do that. Hoppe said that after meeting with the Pension Committee, there may be discussion if the City Council would want to move forward on the changes that Congress allows as a result of the Cares Act.

Krause said that the City needs to be careful what is done with retirement. Hoppe advised to go forward with Resolution 2020-08 now so if there is anyone in a situation where they need immediate help, they can get it. It will most likely be at least a month before changes will be ready as a result of the Cares Act and Hoppe would hate to have a period of time where an employee couldn't get access to the funds that they need because the City is still exploring the Cares Act.

Kavanaugh moved and Konwinski seconded to approve the following resolution.

RESOLUTION AUTHORIZING)	
AMENDMENTS TO CITY OF)	RESOLUTION 2020-08
RALSTON CIVILIAN RETIREMENT)	
PLAN AND REPEALING)	
RESOLUTION 2020-07)	

The undersigned representative of the City of Ralston, Nebraska (the Employer) hereby certifies that the following resolution was duly adopted by the Employer on April 21, 2020 and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, City of Ralston, Nebraska Civilian Retirement Plan (the "Plan") is hereby amended as follows, effective as of April 21, 2020:

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

New loans are permitted.

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

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

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

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

The Administrator will not approve any loan to a Participant in an amount which exceeds 50 percent of his or her nonforfeitable (vested) account balance. The maximum aggregate dollar amount of loans outstanding to any Participant may not exceed \$50,000.

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

PASSED AND APPROVED this 21st day of April 2020.

CITY OF RALSTON, NEBRASKA

By:/s/Donald A. Groesser, Mayor

Attest:

/s/Rosemarie D. Russell, City Clerk

Approved as to form:

/s/Donald F. Ficenec, City Attorney

On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Preis introduced Resolution 2020-09. Russell read the title of Resolution 2020-09: A resolution declaring certain property surplus and providing for a method of sale. Russell indicated this authorizes items to be sold at public sale or private sale. Russell said these items will be listed on a public auction site.

There being no further discussion, Preis moved and Fideline seconded to approve the following resolution.

RESOLUTION DECLARING)
CERTAIN PROPERTY SURPLUS)
AND PROVIDING) RESOLUTION 2020-09
FOR A METHOD OF SALE)

WHEREAS the attached list of items of personal property owned by the City of Ralston are no longer necessary for the operation of the affairs of the City and are surplus, to wit.

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 21st day of April, 2020.

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

Attest:
/s/Rosemarie D. Russell, City Clerk

Approved as to form:
/s/Donald F. Ficenec, City Attorney

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

Sanchez introduced Resolution 2020-10. Russell read the title of Resolution 2020-10: A resolution to approve a franchise agreement with Cox Communications to operate a cable system in the public rights-of-way.

Ficenec indicated the City currently has a 20-year franchise agreement with Cox that expires on April 26, 2020. The new agreement is almost exactly word for word the same as the current agreement. It provides for a five percent occupation tax which is the maximum amount allowed by federal law. A change in the new agreement eliminates cumbersome language. Ficenec commented that there was also a separate side agreement where Cox provided free internet service. The City cannot require any telecommunication company to provide free services as a condition of being able to operate a cable system as it is now prohibited by law.

Jen Rae Wang, Cox Communications Government Affairs, introduced herself and was available to answer any questions.

There being no further discussion, Sanchez moved and Krause seconded to approve the following resolution:

RESOLUTION TO APPROVE A)
FRANCHISE AGREEMENT WITH) RESOLUTION 2020-10
COX COMMUNICATIONS TO)
OPERATE A CABLE SYSTEM IN)
THE PUBLIC RIGHTS-OF-WAY)

WHEREAS, on the 21st day of April, 2020, the Ralston City Council held a regularly scheduled public meeting at which is considered adopting a Franchise Agreement between Cox Communications Omaha, L.L.C. and the City of Ralston for operating a cable system in the public rights-of-way within the City, a copy of which is attached hereto and incorporated by reference herein. Upon consideration of the same, the Ralston City Council determined the Franchise Agreement to be in the best interest of the City and approved the same.

NOW THEREFORE BE IT RESOLVED by the Ralston City Council that the Mayor and City Clerk are hereby authorized to execute the attached Franchise Agreement Between Cox Communications Omaha, L.L.C., and City of Ralston, Nebraska.

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

Attest:
/s/Rosemarie D. Russell, City Clerk

Approved as to form:
/s/Donald F. Ficenec, City Attorney

On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration of an easement from Theodore R. Parker for Lot 173, Ponderosa, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska. Freshman indicated this easement is to allow the repair or replacement of a retaining wall at Mr. Parker’s property. Once the easement is approved, the work on the retaining wall will start either tomorrow or next week.

Ficenec commented that paragraph two of the easement commits the City to be responsible to fix any damage. There is a contract with the contractor that they would be responsible; however, beyond that, the City will also be responsible. Ficenec indicated that the property owner wanted to make sure that he would not personally have to pay for any damages himself.

Groesser inquired about a time frame and Ficenec said there was no time frame. However, the easement is not requiring the City to go on the property it is simply saying the City has the right to go onto the property to maintain it.

There being no further discussion, Fideline moved and Konwinski seconded to accept the easement from Theodore R. Parker for Lot 173, Ponderosa. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Grosser opened discussion on the bid for the Library HVAC replacement. Halbur indicated all the HVAC units at the Library are nearly 21 years old. Over the last few months, the units have steadily had issues. It is a foregone conclusion that more expensive repairs could be on the horizon and to get ahead of the issues, it is in the Library's best interest to have all the work done as soon as possible. Hopefully during the Library's closure, some of the work could be tackled prior to the Library re-opening. To protect the Library's patrons and the material collection, it is important to have functioning equipment once the Library reopens. It is the Library Board's recommendation and Halbur's recommendation to have the work completed by Air Tech Services, Inc.

Freshman recognized Scott Dombeck, a part-time Library employee, for his assistance. Freshman has contacted a number of references and Air Tech Services has received high praise. Freshman is comfortable in asking Halbur to recognize Air Tech Services as the low bidder and get the work approved.

The bid amount of \$146,690.00 was confirmed. Preis expressed concern with expending that amount of money at this point when all departments have been asked to cut budget items to save money. Even if the bid was approved at this meeting, he wondered if the equipment could be received before the Library reopens due to the manufacturers being closed. Air conditioning is important but it is also a convenience and Preis commented on spending a large chunk of money and having shortfalls elsewhere.

Bohling said that the funding is going to come from the City's CDBG funds. Currently, the State of Nebraska is going through a review of all CDBG funds and if that money is not spent by the end of this summer, it will have to be returned to the state. There is currently approximately \$154,000 in funds that would have normally been loaned to a small business. However, since there have been no applicants, the City is allowed to grant the money to itself to use for public purposes in buildings that are used by the public. The Library is one of those facilities that the funds can be used for without affecting a budget line item.

Freshman said that because of the ability to use those funds and even though it may be a four to twelve-week time frame in getting the equipment in, he still believes it would be a good move to go ahead with the bid.

Kavanaugh moved and Krause seconded to accept the Library HVAC Replacement bid from Air Tech Services, Inc., in the amount of \$146,690.

Lana Tribbie, Library Board member, indicated that Halbur has checked with someone in the industry with regard to timelines and it seems to be on a normal progression right now.

Preis indicated he has been a proponent of seeking bids from local vendors or contractors in the past. A representative from R Mechanical had inquired about the bid and Preis informed him that the bid was on this evening's council agenda. R Mechanical informed him that once one union contractor bids a job, they are not supposed to bid a job, therefore, they did not submit a bid. Freshman commented that it would be difficult to get competitive bids if that were the case. R Mechanical was provided the bid information and the City received no feedback from them.

There being no further discussion, Groesser called for the vote. On roll call vote, the following votes were recorded. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Public comment: There was no public comment.

Council comment: Krause informed everyone that Groesser and Hoppe have put in a lot of time talking to Congressmen, Senators, and the state and county about how Ralston can fit in with the finances that are going to become available through phases 1 through 4 of the COVID stimulus money. He appreciates their efforts.

Kavanaugh thanked the Public Works Department for their work in the Parks. He has received several comments about how nice the Parks look and he wanted them to know their efforts are appreciated.

Preis has also received comments about how nice the Parks look and extended kudos to Public Works and all involved. While the format of the teleconference meetings are functional, he wishes to get back to the regular meetings in the near future. Fideline reiterated the comments. Konwinski also reiterated the comments and said she doesn't like the teleconference format very well.

Groesser commented on Omaha wanting to make sure they receive a portion of the stimulus money that Douglas County is going to receive. The original stimulus package allowed any city or county over 500,000 to receive funding. The State of Nebraska and every state in the union received \$1.25 billion related to the COVID-19. Douglas County received \$166 million. The City of Omaha comprises the majority of the population of the county and they have been asking the County Board for some of the funds.

Ralston, Bennington, Valley and Waterloo also make up a portion of the county. Groesser has been working with the mayors of the other cities to ensure these cities get recognized as being part of the county.

Groesser has received telephone calls with regard to lobbying and has spoken with the League of Nebraska Municipalities Executive Director. Groesser and Hoppe have compiled a letter and sent it to the Douglas County Commissioners, Governor Ricketts and all of the Washington delegation.

The National League of Cities is also trying to make sure cities get funds. It appears there may be more funding available, around \$250 billion. Groesser expressed concern on receiving funds based on population and that Ralston would not receive much because of Ralston's population.

Groesser commented on the letter being sent to the Washington delegation asking them to add legislation to the package that would allow all the cities in America that have bond payments to reduce the bond interest payment to zero as a part of the stimulus package. Ralston has about a \$33 million bonded debt, resulting in approximately \$1.7 million a year in interest payments. That \$1.7 million would be available to use for other City functions to help stimulate the economy.

Groesser said Hoppe has done a phenomenal job of compiling the letters and the City is really trying to make a difference. He appreciates all the department heads working hard on coming up with budget reductions.

Hoppe commented on the decision at the federal level as to whether or not to redefine the guidelines to make revenue loss as part of the eligible funding. The reason it is important is because half of Ralston's budget is public safety. There are bond obligations that cannot be deferred. As a result of that, if there is not the opportunity to replace some of the lost revenue, there will be very little room in next year's budget. The cuts will be in essential services if this continues for a prolonged period of time.

There being no further business to come before the Council, the meeting adjourned at 6:27 PM.

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

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS-4-21-2020-Access Systems Leasing, 2,508.40, Printers/Copiers; Big Red Locksmiths, 90.00, Services; Caselle, Inc., 1,151.00, Contract Support; Cavanaugh Macdonald Consulting, 952.50, Professional Services; Century Certified Services, 79.00, Pest Control/Management; City of Omaha Cashier, 56,244.04, Sewer Billing; Cline Williams, 2,676.00, Legal Services; CompChoice, 25.00, Medical Testing; Cox Business Services, 1,579.18, Telephone/Cable; Eakes Office Solutions, 49.92, Supplies; Experian, 27.00, Services; Factory Motor Parts Co., 1,029.03, Supplies/Parts; Fleek, Brianna, 120.00, Janitorial; Fraser Stryker, PC LLO, 92.00, Professional Services; Great Plains Uniforms, LLC, 59.50, Uniforms; Great Western Bank Wealth Management, 9,972.57, Pension; Grunwald Mechanical, 8,417.80, Arena Piping Project; HDR Engineering, Inc., 1,410.56, Hinge Planning & Design; Integrated Solutions, Inc., 5,763.00, Computer Support; J.P. Cooke Company, 69.50, Notary Stamps; JEO Consulting Group, Inc., 7,992.55,

Services/Zoning; Johnstone Supply, 847.25, Supplies; Kapco, 161.95, Supplies; MAPA, 2,000.00, Strategic Planning-PW; Menards-Ralston, 172.84, Supplies/Parts; Michael Todd & Co., Inc., 105.84, Equipment; Mid-American Benefits, Inc., 2,787.66, Cobra Administration; Nebraska Air Filter, Inc., 99.64, Air Filters; Nebraska Department of Revenue, 107,722.00, Lottery Tax; Nebraska Iowa Supply Co., Inc., 539.13, Fuel; Nebraska-Iowa Ind Fasteners, 3.20, Shop Materials; OCLC, Inc., 365.21, Cataloging and Metadata; Omaha Douglas Publ Bldg Comm, 8.75, Parking; O'Malley, Margaret, 396.00, Janitorial; Quality Tire, Inc., 140.00, Tires; Ralston Automotive, 135.61, Service; Recorded Books, Inc., 50.00, Audio Books; Sleuth Systems, 217.00, Maintenance Renewal; State of Nebraska Motor Fuels, 76.00, Fuel Tax; Suburban Newspapers, Inc., 216.44, Publications; Talx UC Express, 178.64, Services; The Radar Shop, 63.00, Equipment; United Way of the Midlands, 19.21, Donations; Woodhouse Auto Family-IA, 478.92, Supplies.