

Ralston City Council Regular Meeting
Tuesday, August 20, 2019

The Ralston City Council met in regular session on Tuesday, August 20, 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, Kavanaugh, Krause, 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.

Council President Krause 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 3, 2019 regular city council meeting;
2. Claims;
3. Monthly Financial Report; and
4. Department Head and/or Commission Reports.

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

Bohling reported the monthly financial report is included in the Council packets. Halbur reported the Library's July statistics are included in the Council packets.

Krajewski reported JEO is going to provide an update on the Ralston Arena Pavement Improvements later on in this meeting. The concrete looks great and the contractors are currently in the process of grading out the rain garden. The janitorial contract has been signed and that will be budget-relieving for sponsorship. Buddy Guy and Kenny Wayne Shepard has grossed \$89,000 so far. Upcoming arena events include: Jehovah's Witnesses, Buddy Guy, Zamora. A stage show for March has been confirmed; still holding a family show on March 16th; working with Omaha Beef on confirmed home games and the Lancers have playoff holds; have placed holds for the NIA basketball tournament in March 2021; holding a block of dates for a Christian show in June 2020.

Julie Ogden, JEO Consulting Group, provided an update on the Ralston Arena pavement improvements. She presented photos of the area and said the existing sidewalks were all at least four inches and the edges of the streets were all at least seven inches. The contractor has the concrete in front of all the doors done and open for use. The contractor laid the storm sewer for the rain garden today. Ogden said the project will be wrapped up by the end of next week, almost a month ahead of what was anticipated. The first payout will be in the September 3rd meeting claims and the final payout is anticipated for the first meeting

in October. The mix design was double-checked and no additives or fly-ash were added to the mix, which was a 47B mix.

Ogden suggested placing a concrete sealant to provide additional protection in the winter months. She has received a proposal from the contractor to do that and it will be about 67 cents a square foot or \$11,045. She recommended to do this as it would be a valuable addition to this project to help protect the investment. This is the same product that they use for all the Hy-Vee stores in town as well as a number of the schools sidewalk. Ogden said it is likely there will be a change order prepared for consideration at the September 3rd council meeting. The sealant cannot be applied until the concrete has cured for at least 28 days.

Grosser opened discussion on the Verizon Fiber Optic Cable Agreement. Deputy City Attorney Ficenec said this is the agreement that he provided information on at the last council meeting. An agreement was presented to the City Councils of Papillion, La Vista and Bellevue. The agreement was with Verizon to run fiber optic cable in their jurisdictions to connect directly to commercial customers. They are not intending to provide any residential services and the agreement specifically prohibits them from operating as a cable operator. The agreement is a 10 year term and provides for a 5 percent occupation tax if the fiber is actually being used. If not used, then the rent is \$2.00 per lineal foot. It also provides for insurance and bonding. Verizon is very eager to proceed with this and are ready to apply for permits the moment the agreement is approved.

Exhibit A to the agreement is designed as a set of requirements that could be used not only for Verizon but any other provider coming into the City. Exhibit B is a map that shows the intended route they are looking at the present time to lay the fiber optic; primarily along Harrison Street and 72nd Street and some branching in towards the arena.

Krause commented on dark fiber and Ficenec said he believes it is in the agreement that they can run dark fiber. This agreement will be on the agenda for approval at the next City Council meeting.

Grosser opened discussion of the Fire Protection Agreement with the Ralston Volunteer Fire Department for a two-year term ending September 30, 2021. Fire Chief Eischeid commented on the proposed agreement and that the only thing that has changed from previous years is there is a 3 percent increase. This will be on the agenda for approval at the next City Council meeting.

Grosser opened discussion of the lease of a fire engine. Eischeid said during budget talks last year the City Council gave the Fire Department permission to “spec” out a fire truck to give an idea of price. He presented a lease purchase agreement with Pierce Financial Solutions for \$541,878.44 and this leasing option was presented to the Finance Committee. Eischeid explained their oldest fire engine is from 1993 and NFPA 1911 requires fire engines over 25 years to be replaced. The Fire Department’s current ISO rating is a 4 and Eischeid explained the proper requirement for pumping capacity.

The Fire Department feels it is necessary to replace the engine now and not wait any longer. Groesser commented on the ISO rating having a reflection on the City's insurance rates. Eischeid said the price is for the truck only and they can get the equipment cheaper by going through the manufacturers of the equipment. This will be on the agenda for action at the next City Council meeting.

Klinker asked if they will retire the old truck and Eischeid said it will probably be retired but they can try to sell it. Bohling said the 15 year lease purchase with 4.22 percent interest rate is cheaper than some of the other borrowing the City has recently done.

Groesser opened discussion of the Interlocal Agreement between Douglas County and the City of Ralston for the County to assist the City in issuing building permits and providing inspections within the City of Ralston's zoning jurisdiction.

Douglas County provides building inspection services for the Village of Waterloo, the City of Bennington and electrical inspection services to the City of Valley. Forrest commented on the opportunity to outsource building inspections which would relieve Freshman of that job duty and Freshman could focus more of his attention on public works activities. The cost would be \$30,000 in lost permit revenue. The interlocal agreement will start on October 1, 2019. There have been changes incorporated in the upcoming budget in anticipation of the agreement but it is up for discussion.

Preis asked where the City starts drawing the line on where things are contracted out and what is going to be retained in the City as to what services are provided for the citizens. Groesser said all the decisions come before the council for discussion and to make the decision. Konwinski commented on the two inspectors that the County has and inquired if this will cause the City's permits to be held up. Forrest said their turn around from the time they get the permit application to issuing the permit is pretty quick. Forrest indicated that people can apply for the permits online or at City Hall, but it would be the preference to apply online directly.

Douglas County would collect the permit fees and the \$30,000 is what has been collected annually. Preis commented on the anticipated building in the downtown areas. He asked what the advantages of doing this versus doing it in-house. Forrest said the advantages are that it will allow to utilize Freshman more on public works activities, focusing on streets and sewers.

Fideline said that with two inspectors, people will be waiting forever for their permits. Groesser reminded him that they provide building inspection services for Waterloo, Bennington and part of Valley. Further discussion on this matter will be during the budget work session.

Groesser opened discussion on appointing a Design Review Committee for the Hinge Project. The committee will review plans and specifications as well as developer proposals for the Hinge Project. The individuals who have agreed to serve on the Design Review Committee are Kyle Vohl, who is a civil engineer, Larry Jacobsen, a retired architect, and

Doug Bisson, an engineer from HDR and project manager of the Hinge Project. Forrest said these are technical experts who will assist the Planning Commission. The appointments will be on the agenda for the next meeting.

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.

Grosser opened the public hearing and first reading of Ordinance 1236 at 6:04 PM. Ed Betzer, 7921 Highland Street, inquired about the 20 foot maximum limit. Forrest indicated that pertains to Ordinance 1235. Ficenc said the limitation for recreational vehicles is not something that is being changed; that is as the law has already been. He clarified that Ordinance 1235 is the ordinance that would change the part of the Zoning Ordinance that restricts parking in backyards. Besides the Zoning Ordinance, there is a section in the Municipal Code that also restricts parking. Ordinance 1236 is for a section in the Municipal Code. Betzer commented on restrictions for a time limit of 14 days and he said it should be shortened. He also doesn't think that anything should be allowed to be parked in the front or side yard.

Ficenc explained the amendments listed in Ordinance 1236. Initially the amendments only included the change of Section II. E which would conform to the Zoning Ordinance where it is illegal to park vehicles in rear yards except on hard surfaces. Ficenc has subsequently added a Section III in accordance with Neb. Rev. Stat. §16-230 which provides for the procedures for nuisance abatement. Ficenc said abandoned vehicles on private property should be treated as a nuisance so it would be consistent with the procedures for abating weeds and litter. This changes the ordinance to a five day notice and an appeal procedure, consistent with State Statute.

Jeffrey Caniglia, 4901 S. 78th Street, commented on the amount of people parking on the grass. Leonardo commented that he has been working on rewriting the ordinance because of complaints. He commented on the change to include the five day process and the appeal procedure.

There being no further comments, Grosser closed the public hearing at 6:21 PM. Krause moved and Kavanaugh seconded to approve Ordinance 1236 on first reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Fideline, Konwinski, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Krause 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.

WHEREAS, the owner of the property at or near 78th and Heritage Circle acknowledges that the property is a nuisance to him; and

WHEREAS, the owner of the property agrees to transfer title to the City of Ralston, Nebraska, and in addition to the transfer of title, owner agrees to pay to the City of Ralston the sum of Three Thousand and no/100 (\$3,000.00) in cash or certified or cashier's check at the time of closing; and

WHEREAS, the legal description of said real property is included in the Transfer Agreement, attached hereto as Exhibit "A"; and

WHEREAS, on the 20th day of August 2019, the City Council held a public hearing on the approval of the acquisition of said real property in conformity with Neb. Rev. Stat. §18-1755 pursuant to notice published in The Daily Record on August 15, 2019.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Ralston that City staff are authorized to perform the transfer agreement as presented to the Council.

PASSED AND APPROVED this 20th day of August, 2019.

CITY OF RALSTON, NEBRASKA

BY:/s/ Donald A. Groesser, Mayor

Attest:

/s/Rosemarie D. 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: Fidelity, Konwinski, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Konwinski introduced Resolution 2019-08. Russell read Resolution 2019-08 by title only: RESOLUTION APPROVING AGREEMENT BETWEEN DOUGLAS COUNTY, NEBRASKA AND CITY OF RALSTON, NEBRASKA TO INVESTIGATE OFFICER-INVOLVED SHOOTINGS.

Leonardo indicated this resolution and the next resolution are for approval of the agreements for the investigation of any officer-involved shooting incidents. The next resolution is an agreement for Douglas County to provide assistance during high risk incidents using Emergency Service Units and Hostage Negotiation Units.

There being no further discussion, Krause moved and Konwinski seconded to approve the following resolution.

RESOLUTION APPROVING)
AGREEMENT BETWEEN DOUGLAS)
COUNTY, NEBRASKA AND CITY) RESOLUTION 2019-08
OF RALSTON, NEBRASKA TO)
INVESTIGATE OFFICER-INVOLVED)
SHOOTINGS)

WHEREAS the City of Ralston desires to enter into an agreement with Douglas County for the Douglas County Sheriff’s Office (DCSO) to provide assistance to the Ralston Police Department following officer-involved shootings; and

WHEREAS, the DCSO is trained to investigate and respond to such incidents.

NOW, THEREFORE, BE IT RESOLVED by the Ralston City Council and the Mayor of Ralston, Nebraska, that the attached agreement between Douglas County, Nebraska and the City of Ralston Police Department is hereby approved and adopted.

PASSED AND APPROVED this 20th day of August, 2019

CITY OF RALSTON, NEBRASKA

BY: /s/Donald A. Groesser, Mayor

Attest:

/s/Rosemarie D. 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: Fidelity, Konwinski, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Konwinski introduced Resolution 2019-09. Russell read Resolution 2019-09 by title only: RESOLUTION APPROVING AGREEMENT BETWEEN DOUGLAS COUNTY, NEBRASKA AND CITY OF RALSTON, NEBRASKA TO PROVIDE ASSISTANCE DURING HIGH RISK INCIDENTS.

RESOLUTION APPROVING)
AGREEMENT BETWEEN DOUGLAS)
COUNTY, NEBRASKA AND CITY) RESOLUTION 2019-09
OF RALSTON, NEBRASKA TO)
PROVIDE ASSISTANCE DURING)
HIGH RISK INCIDENTS)

WHEREAS the City of Ralston desires to enter into an agreement with Douglas County for the Douglas County Sheriff’s Office (DCSO) to provide assistance to the Ralston Police Department during high risk incidents; and

WHEREAS, the DCSO has the necessary equipment, and its personnel have the necessary training, to respond to such incidents.

NOW, THEREFORE, BE IT RESOLVED by the Ralston City Council and the Mayor of Ralston, Nebraska, that the attached agreement between Douglas County, Nebraska and the City of Ralston Police Department is hereby approved and adopted.

PASSED AND APPROVED this 20th day of August, 2019

CITY OF RALSTON, NEBRASKA

BY: /s/ Donald A. Groesser, Mayor

Attest:

/s/Rosemarie D. 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: Fidelity, Konwinski, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Public comment: Deb Groesser, 5615 S. 77th Street, spoke on behalf of the Ralston Chamber and the Downtown Business Group to remind everyone of the Last Blast of Summer on August 29th from 5:30 PM to 8:00 PM in downtown Ralston.

Groesser commented on a meeting prior to the council meeting with the Downtown Business Group regarding ordinances passed for signage. The Downtown Business Group wanted to discuss two different areas, one being banners and the other being flags.

The City adopted the new ordinances to create a standard signage for the Hinge Project and standard signage for the buildings that makes the downtown look nice and the entire Hinge area look nice. The ordinance doesn't allow banners as permanent signs; however, the Downtown Business Group would like to have any sign for special events allowed for 60 days rather than 30 days. Also, currently, there is an ordinance that no banners or flags can produce into the right of way. The Downtown Business Group felt that it was really important that everything is done to drive business to the businesses in Ralston.

Therefore, the Groesser would allow banners and flags for a period of 90 days and would like the businesses to track their business to see if this does bring in business. Groesser suspended the following sections of the sign regulations for 90 days: 11-4T which is prohibiting signs on the public right of way; 11-5R which restricts temporary banners; and 11-7 F1 which prohibits flags in the right of way.

Preis commented on the holiday events and Groesser extended the suspension to the end of the year.

There was no council comment.

There being no further business to come before the Council, the council adjourned to the Budget Work Session at 6:35 PM.

Next regular meeting Tuesday, September 3, 2019 at 5:30 PM. Next budget work session if needed, Tuesday, August 27, 2019.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS – 08-20-2019 –Above & Beyond, 4,200.00, Grounds Maintenance/Mowing; Access Systems Leasing, 2,260.39, Printers/Copiers; Action Batteries, Inc., 225.00, Batteries; Agrivision Equipment Group, 417.22, Parts; Ameripride Services, Inc., 106.23, Building Maint/Rugs; Asphalt & Concrete Materials, 1,446.92, Hot Mix; Bellevue Library Foundation, 475.00, Concert; Bizco Technologies, 3,761.75, Equipment; Caselle, Inc., 1,151.00, Contract Support; Cengage Learning, Inc., Books, 93.57; Century Certified Services, 232.00, Pest Management & Control; City of Omaha Cashier, 74,938.67, Sewer; City of Ralston Lottery Jackpot Fund, 2,149.09, Transfer to Lottery Jackpot Account; City of York, 675.00, Equipment-Jepsen; CNA Surety Direct Bill, 40.00, Bond; CompChoice, 485.61, Medical; Connor Psychological Services, 365.00, Pre-employment Psych Eval; Cox Business Services, 1,753.81, Cable & Phone; Dittmer, Greg, 82.24, Payroll Correction; Eakes Office Solutions, 317.95, Office Supplies; EBSCO Information Services, 712.00, Svcs; Experian, 27.00, Credit Rptng; Factory Motor Parts Co., 227.48, Parts; Findaway, 549.00, Library Materials; Fleek, Brianna, 60.00, Janitorial; Fraser Stryker, PC LLO, 29.50, Professional Svcs; GCR Tire Centers, 1,686.48, Tires; Global Spectrum, 8,000.00, Spectra Venue Mgmt Fee; Great Plains Uniforms, LLC, 275.35, Uniforms; HDR Engineering, Inc., 4,218.12, Hinge Planning & Design; Ingram Library Services, Inc., 2,199.68, Books; Integrated Solutions, Inc., 9,846.00, Computer Support/Svcs; Iowa Library Association, 1,220.00, Conference; Jones Automotive, 14,532.30, Equipment/Parts/Labor; Klinker, Mark, 1,870.00, Legal Svcs; Menards-Ralston, 33.91, Supplies; Mid-American Benefits, Inc., 1,502.86, Participant Fees/Cobra Administration Fees; Minitex, 140.00, DVD Cases; Motorola Solutions, Inc., 676.00, Mobile Records; Nebraska Iowa Supply Co., Inc., 915.97, Fuel/Supplies; Nebraska-Iowa Ind Fasteners, 55.80, Shop Supplies; OCLC, Inc., 883.96, Cataloging and Metadata; Omaha Compound Company, 33.60, Supplies; Omaha Douglas Publ Bldg, 7.00, Parking; O'Malley, Margaret, 310.75, Janitorial; One Call Concepts, Inc., 56.48, Locate Fees; Paciolan, 3,145.11, Marketing Services; Port-A-Johns, Inc., 140.00, Portable Restroom Rental; Prairie Life Fitness, 128.40, Fitness Reimbursement; R Mechanical, LLC, 372.00, AC Maintenance; Ralston Arena Operating Acct., 58,333.34, Sales Tax; Recorded Books, Inc., 81.25, Books; Ridder, Justine, 10.00, Reimbursement; Shell, 81.16, Fuel; Site One Landscape Supply, 229.32, Supplies; Small Engine Services, Inc., 49.38, Supplies; Southeast Library System, 55.00, Training; State of Nebraska Motor Fuels, 50.00, 2nd Qtr Fuel Tax; Suburban Newspapers, Inc., 9.84, Legals; Trail Performance Coatings, 1,500.00, City Snow Plow & Mount; Ty's Outdoor Power & Service, 149.93, Equipment; Unique Books, Inc., 26.85, Placements; Vogel Traffic Services, 1,514.40, Pavement Marking; Wernhoff, Ashley, 10.00, Reimbursement; Westfall, Sadie, 10.00, Reimbursement; Westlake Ace Hardware, 84.54, Supplies.

