

Ralston City Council Regular Meeting  
Tuesday, May 5, 2020

Pursuant to the Governor's Executive Order No. 20-03, the Ralston City Council met via teleconference on Tuesday, May 5, 2020 at 5:30 PM. Roll was called with the following present: Mayor Groesser and Council members Konwinski, Fideline, Krause, Kavanaugh, and Preis. Council member Sanchez was absent. The agenda was available at City Hall and on the City's website at [www.cityofralston.com](http://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 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 and is available to view on the City's website at [www.cityofralston.com](http://www.cityofralston.com).

The following building permits were approved: #20-030 to Perez Oved Funes, 6667 S. 84<sup>th</sup> Avenue – Remove and Replace Roof - \$3,000.00; #20-031 to Perez Oved Funes, 6667 S. 84<sup>th</sup> Avenue – Remove and Replace Siding - \$2,500.00; #20-033 to Ingeborg R. McFarland, 7933 Oakwood Street – Build Deck - \$4,400.00; #20-034 to Steven D. Dugger, 6622 S. 83<sup>rd</sup> Street – Replace Roof - \$3,700.00; #20-035 to Kristyna Brozova, 6712 S. 73<sup>rd</sup> Avenue – Remove and Replace Deck - \$4,500.00; #20-036 to Richard J. Anderson, 4935 S. 79<sup>th</sup> Street – Replace Furnace and Humidifier - \$3,459.00; #20-037 to Ingeborg R. McFarland, 7933 Oakwood Street – Complete Bathroom Remodel - \$6,100.00; #20-038 to Jeff Judkins, 4906 S. 78<sup>th</sup> Street – Install Fence - \$3,800.00; #20-039 to Mary K. Roarty – 7757 Maywood Street – Install Gas Water Heater - \$1,989.00; #20-040 to Joseph R. Sporcic, 6826 S. 73<sup>rd</sup> Avenue – Replace Furnace - \$2,763.00; #20-041 to Michael Arvanitis, 5114 S. 77<sup>th</sup> Avenue – Remove and Replace Fence - \$5,100.00; #20-042 to Michael J. Dressen, 6650 S. 83<sup>rd</sup> Avenue – Install 6 ft Fence - \$750.00; #20-043 to Kevin L. McDonald, 8040 Main Street – Re-Roof Detached Garage - \$3,500.00; #20-044 to Scott Green, 7921 Oakwood Street – Re-Roof Residence - \$8,000.00; #20-045 to Ralston School District 54, 8959 Park Drive – Remove/Replace Track and Field - \$1,899,658.85; #20-046 to Michael T. Turek, 8719 Polk Street – Replace Deck, \$10,000.00; #20-047 to Growth Properties LLC, 4715 S. 80<sup>th</sup> Street - \$8,712.00; #20-049 to Max L. Hopkins, 5027 Sunset Drive – Install Furnace & A/C - \$5,134.00; #20-050 to Christine Berry Solomon, 6735 S. 88<sup>th</sup> Street – Wire Fan-Ext Radon System - \$100.00; #20-051 to Kevin L. McDonald, 8040 Main Street – Re-side Detached Garage - \$4,000.00; #20-052 to Jannette L. Beck, 5507 S. 80<sup>th</sup> Street – Repair & clean out sewer - \$5,000.00; #20-053 to Terrance L. Riederer, 6424 S. 76<sup>th</sup> Circle – Repair Water Service - \$500.00; #20-054 to Rita Guenette, 6651 S. 86<sup>th</sup> Street – Install chain link fence & gate - \$3,672.00; #20-055 to William D. Sedlak, 6639 S. 86<sup>th</sup> Street – Replace furnace and A/C - \$4,000.00; #20-057 to William D. Sedlak, 6639 S. 86<sup>th</sup> Street – Replace water heater - \$1,500.00; #20-058 to Nicholas L. Siracuse, 7770 Maywood Street – Install electrical-garage - \$7,890.00.

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

1. Minutes from the April 21, 2020 regular city council meeting;
2. Claims;
3. Arena Financial Statements for the period ending March 31, 2020; and
4. Department Head and/or Commission Reports.

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

Groesser opened discussion on the ordinance to provide for golf car vehicles in the corporate limits of Ralston and reviewed some of the highlights of the draft ordinance. Golf car vehicle means a vehicle that has at least four wheels; has a maximum ground speed of less than 20 miles per hour; cannot carry more than four passengers and is designed and manufactured for operation on a golf course for sporting and recreational purposes. Golf car vehicles can only be operated on streets within city limits between the dates of March 1<sup>st</sup> and November 30<sup>th</sup> of each year. They cannot be operated on 84<sup>th</sup> Street, 72<sup>nd</sup> Street, Harrison Street, L Street, 90<sup>th</sup> Street or Park Drive west of I-85. A golf car vehicle can only be operated on streets with a speed limit of 30 miles per hour or less and shall not be operated at a speed in excess of 20 miles per hour or the speed limit, whichever is less.

Golf car vehicles operated on public streets shall comply with all provisions of the Nebraska Revised Statutes Rules of the Road as well as the Traffic Regulations of the Ralston Municipal Code. Golf car vehicles shall be operated near the right side of the roadway and if there are two or more golf car vehicles traveling together, they must be in single file.

Golf car vehicles cannot be driven on any sidewalk nor parked on or over a sidewalk. Golf car vehicle operators shall obey all traffic regulations for public roadways and shall yield the right of way to all motor vehicles. Occupants in a golf car vehicle shall all remain seated.

Golf car vehicles shall be equipped with a muffler on gas engines and a federally approved bicycle safety flag attached to the rear of the vehicle. The flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

The golf car vehicle shall be registered with the City and the registration application will require the owner's name and address; a copy of the owner's valid Class O operator's license; proof of liability insurance; and the annual registration fee required by the City's fee ordinance. The City Clerk will provide registration stickers for the front and rear driver's side of the vehicle. The registration period will be annually from January 1<sup>st</sup> to December 31<sup>st</sup>.

Groesser commented on the liability insurance requirements, \$25,000 because of bodily injury to or death of one person in any one accident; \$50,000 because of bodily injury to or death of two or more persons in any one accident; and \$25,000 because of injury to or destruction of property of others in any one accident. Proof of insurance shall be provided immediately upon request of a peace officer. Golf car vehicles cannot be used as a business enterprise, such as taxiing people around town during special events, without a State issued cab license.

Groesser spoke about the penalties. Leonardo said he has reviewed the ordinance, State Statute and ordinances from other cities. He had requested some changes to the ordinance and those were included in the draft ordinance provided in the council packets. Ficenec commented that it is provided by state law that local municipalities can enact an ordinance to allow golf car vehicles. The decision to do it or not is a policy decision and not a legal decision.

Krause inquired if this would require a license plate and Leonardo said it would not. Krause indicated this matter was before the council several years ago and it was not approved and wondered if Leonardo knew why it wasn't approved. Leonardo said that it is not something the Police Department feels comfortable with.

Kavanaugh was asked about this a number of times when he was campaigning. He is in favor of allowing golf car vehicles in the City of Ralston. The draft ordinance appears to strike a good balance between safety needs for both the drivers of golf car vehicles and the community as a whole. He has faith in the residents of Ralston that they can keep it safe. This distinguishes Ralston from the surrounding communities. Ralston is situated and set up in such a way that this could be done and this will bring additional character and interest to the downtown areas.

Preis commented that this has been discussed more than once. When Chief White was in office that there was some question that if this was allowed, the City would possibly have to forfeit state highway or roads funds. That was one of the big issues that was discussed when this was first brought up a number of years ago. Groesser indicated there are several cities in Nebraska that do allow this. He spoke with the Mayor of Plattsmouth and Ralston's ordinance is fashioned after their ordinance as well as some other cities.

Fideline indicated he is not in favor of allowing golf car vehicles at this point. He said that maybe a few years down the road when the Hinge Project has begun and an entertainment district is established it might work. Fideline commented on possible issues with parking.

Konwinski inquired if there would need to be places set aside for the golf car vehicles to be parked. She inquired if it is a golf car or golf cart and if there would be both. Ficenec clarified that the terminology in the state statute that authorizes cities to allow this is phrased as a golf car. Groesser indicated that golf car vehicles have turn signals, brake lights and other safety features.

Hoppe commented that in addition to the summary given by Groesser, there are a number of other considerations in terms of the streets they are allowed on and at which speeds they are allowed to travel. These are considerations that will need to be worked out in terms of what the council members are comfortable with.

Dennis Tribbie, 6760 S. 75<sup>th</sup> Avenue, commented on the parking issue. A golf car vehicle will take up less space than a regular car and there could be two golf cars parked in a space. This is something that his wife, who works downtown, could drive to work every day versus a vehicle and it will be more energy efficient. The vehicles he has looked at would include brake lights, headlights, etc. and be more set up for communities that allow golf car vehicles. It will be more than just a golf cart off of a golf course. It will also be more of an investment for someone and it needs to be clearly defined that all the safety features are required in order to be able to use it on the city streets. Tribbie is definitely in favor of allowing golf car vehicles. It does bring a uniqueness to the City as well as an attraction for the City.

Groesser indicated this matter will be presented as an ordinance and agenda item for the next council meeting.

Groesser opened discussion on a City Affiliated 501C-3. Hoppe indicated that the Mayor and Council members and City staff have all been working very hard on the Hinge Project. As the project has evolved, an important question has emerged of how the City is going to do the work of executing the Hinge. While the City has a role in insuring that rules and regulations are met, there is a business aspect that has to be accomplished on the City's behalf. It is important to note that the City itself is not a business and there are limitations to make executions of big projects. Many communities deal with this issue by working with an economic development corporation that functions like a bridge between private sector developers and government. In this case, there is some talk about establishing a 501C3, which is a designation of a non-profit.

Hoppe commented on developing the 501C3 as an economic development corporation to take on that role for Ralston. Ralston's former City Attorney, Mark Klinker is working with some other individuals to form the Articles of Incorporation. A board will be formed that will have a number of powers in executing various economic development activities for the City. It could be broader than the Hinge but it will primarily be focused on the Hinge because that is the current economic development project.

There will be a seven-person board consisting of three members from the City of Ralston, some members from the Ralston Community Foundation and some members from the Ralston Area Chamber of Commerce. Each organization would appoint their own members. The City Council certainly would have a role in appointing the members from the City of Ralston. This kind of entity helps to take advantage of opportunities where the City cannot move fast enough to move forward. If a property were to go up for sale very quickly, an economic development corporation can make much more quick and deliberate decisions than the City can.

An economic development corporation functions more like a business. It is intended to give a more clear-eyed business approach to the effort to represent City needs for a project. Negotiations can be delicate and having a public entity involved can make those negotiations difficult. An economic development corporation can handle a lot of that before it gets to the City Council so it is more of a finished product.

A final advantage of an economic development corporation is that it is another set of eyes for a project. It makes it more of the Hinge as a project by Ralston for Ralston when there is that kind of involvement.

Hoppe emphasized that if this is moved forward, it doesn't change the City's responsibility. There will still be approval through the Planning Commission and the City Council. There will still be a public process. The economic developer corporation plays an important role in facilitating some of these actions. It is anticipated that the Articles of Incorporation will be filed soon and the City Council will be asked to appoint some members to the economic development corporation.

Krause said that he understands that some of the money that would be used from the Johnson money would be put into the 501C3. Hoppe said that is correct and there is currently discussion about the amount of money to go towards a project or two. The details are still being worked out. Krause said this is the way to go to get this done.

Kavanaugh said he is in favor of this. Preis said that Hoppe has been through more of this. He trusts his opinion when it comes to this and hopes he leads the City in the right direction. Fidelity said it is a good idea. Konwinski inquired if the Hinge Committee members could be on the board. Hoppe said each group would have appointment power and each group could certainly choose someone from the Hinge Committee.

Groesser read a proclamation proclaiming May 10 to 16, 2020 as Police Week and May 15, 2020 as Peace Officers Memorial Day in the City of Ralston. Leonardo extended his thanks and appreciates all the support.

Krause 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 third reading of Ordinance No. 1251 at 6:01PM. This ordinance updates the Municipal Code where telecommunication companies would all be charged the same occupation tax.

There being no further discussion, Groesser closed the public hearing at 6:02 PM. Krause moved and Kavanaugh seconded to approve Ordinance No. 1251 on third reading. On roll call vote, the following votes were recorded. Aye: Konwinski, Fidelity, Kavanaugh,

Krause, and Preis. Nay: None. Absent: Sanchez. Motion carried.

Public Comment: There was no public comment.

Council Comment: Krause commented that the wall on Washington and 72<sup>nd</sup> Street has been repaired. Preis commented on being two months away from the Independence Day celebration. He said it is time to start thinking about what is going to be done with the celebration events and the parade given the current situation. Groesser indicated that there have been a couple meetings and there are plans to make a decision next week. Papillion has cancelled Papillion Days as well as their 150<sup>th</sup> Year Anniversary celebration. La Vista has cancelled their celebration. Groesser commented on the possibility of cancelling the Memorial Day activities. Fideline commented that he hasn't heard about Memorial Day yet for the Honor Guard. Groesser appreciates everyone's work. He said it is good for the businesses to begin to open and urged everyone to continue to practice social distancing, wash hands and wear a mask.

There being no further business to come before the Council, the meeting adjourned at 6:07 PM.

The next regular meeting is Tuesday, May 19, 2020 at 5:30 PM.

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Rosemarie D. Russell  
City Clerk

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Donald A. Groesser  
Mayor

CLAIMS-5-5-2020-AFLAC, 1,055.16, Insurance; American United Life Insurance, 1,086.73, Life Insurance; Andrew Kanngieser, 1,170.00, FOP Dues; Bellevue Police Dept., 250.00, Simulator Use; Benefit Plans, Inc., 375.00, Administration; Black Hills Energy, 881.25, Utilities; Blue Cross & Blue Shield of NE, 34,687.85, Health Insurance; BMI, 325.00, Janitorial; Century Certified Services, 28.00, Pest Management; City of La Vista, 581.33, Special Services Bus; Cox Business Services, 568.58, Telephone; Dolphens Signs, 852.50, Signs; Donald Ficenec, 5,000.00, Legal Services/Retainer; Dude Solutions, Inc., 640.00, Software; Eakes Office Solutions, 210.74, Supplies; Experian, 27.00, Services; Fleek, Brianna, 120.00, Janitorial; Great Plains Uniforms, LLC, 606.00, Uniforms; Great Western Bank – Visa, 1,409.98, Supplies/Services; Great Western Bank Wealth Management, 25,412.09, Pension; Humana Insurance Co., 1,867.42, Insurance; Hy Vee Accounts Receivable, 33.76, Supplies; Intoximeters, 308.00, Supplies; JEO Consulting Group, Inc., 1,185.00, City Engineer Services; Keen Hydraulic Services, Inc., 270.00, Service Call; Krause, Gerald J., 145.98, Reimbursement; Kriha Fluid Power, 38.85, Parts; Machinery Parts Warehouse, 747.89, Parts; Martin Asphalt, 177.60, Supplies; Menards-Ralston, 72.25, Supplies; MUD-Utilities, 431.54, Utilities; Nebraska Iowa Supply Co., Inc., 397.81; O'Malley, Margaret, 88.00, Janitorial; Omni Engineering, 389.90, Materials; Papillion Sanitation, 29,130.50, Trash Collection; Quill, 120.84, Supplies; R Mechanical, LLC, 3,440.55, Repair; Ralston Automotive, 448.23, Supplies/Services; Ralston Volunteer

Fire Dept., 16,737.00, Fire Protection Agreement; Recorded Books, Inc., 251.66, Audio Books; Sarpy County, 1,824.00, Animal Control Agreement; T.N.T. Cleaning, 500.00, Janitorial; Trans Union Risk & Alternative, 50.00, Services; Verizon Wireless, 802.23, Cell Phones; Voya Institutional Trust Company, 7,600.00, Pension.