

Ralston City Council Regular Meeting
Tuesday, October 15, 2019

The Ralston City Council met in regular session on Tuesday, October 15, 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, Fidelity, 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.

Pastor Lynette Janssen, Ralston United Church of Christ, 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: #10717 to John G. Westbrook, 6506 S. 76th Circle – Repair Burst Pipe - \$10,000.00; #10718 to Robert J. McEvoy, 5137 S. 82nd Street – Complete Sewer Replacement - \$1,000.00; #10719 to City of Ralston, 7629 Park Drive – Replace Air Conditioner - \$3,995.00; #10720 to Randy L. Lavaley, 6229 S. 74th Street – Replace A/C and Furnace - \$13,300.00; #10721 to Lloyd H. Hegdahl, 6311 S. 72nd Avenue – Replace front siding - \$4,595.00; #10722 to Charles W. Herman, 6624 S. 88th Street – Replace Roof - \$11,000.00; #10723 to Mark T. McNamara, 7410 Madison Street – Electric work-kitchen remodel - \$2,500.00; #10724 to RS Holdings LLC, 7210 Harrison Street – Install New Signage - \$14,040.00; #10725 to Marquis Lujane, 8205 Walnut Lane – Replace Roof - \$5,195.00; #10726 to Bruce L. Behers, 7441 Washington Street – Remodel Kitchen - \$38,000.00; #10727 to TC Management LLC, 7631 Main Street – Install Wall Mounted Sign - \$200.00; #10728 to Constance S. Hilding, 7633 Sunset Drive – Replace Electric - \$25.00; #10729 to Cline LLC/Verizon Wireless, 8400 Harrison Street – Modify Cell Tower Antenna - \$15,000.00; #10730 to Vallorie L. Sestito, 7417 Washington Street – Replace Furnace - \$4,500.00; #10731 to John S. Rule, 8113 Walnut Lane – Replace Chain Link Fence - \$900.00; #10732 to Shane Larsen, 8201 Robin Hill Avenue – Replace Roof - \$11,500.00; #10733 to DK Dunne Properties, 7926 Oakwood Street – Install New Sprinklers - \$1,860.00; #10734 to Derek M. Halsey, 7905 Highland Street – Build deck - \$5,000.00; #10735 to Brad Madej, 6211 S. 73rd Avenue – Replace Siding - \$14,881.00; #10736 to Jaymee Foster, 6431 S. 72nd Avenue – Build Deck & Fence - \$8,140.00; #10737 to Marla K. Peterson, 7918 Highland Street – Replace & Extend Deck - \$4,000.00; #10738 to Michael M. Ohanlon, 7917 Main Street – Replace Roof - \$6,000.00; #10739 to Lynn Fletcher, 6319 S. 73rd Avenue – Replace Service Panel - \$1,100.00; #10740 to Jan S. Pokorny, 7926 Heritage Circle – Replace Deck - \$8,000.00; #10741 to Platinum Real Estate Group, 5900 S. 77th Street – Install Vinyl Logo on Window - \$200.00; #10742 to Platinum Real Estate Group – 5900 S. 77th Street – Install Lettering on Exterior - \$1,650.00; #10744 to Kenneth Hanson, 6740 S. 73rd Avenue – Replace Roof - \$6,137.87; #10746 to Sanoma LLP, 7308 Harrison Street – Install Wall Sign - \$2,100.00; #10748 to Sarah Kolb, 4720 S. 79th Avenue – Replace Furnace - \$2,472.19; #10749 to Bruce L. Behers, 7441 Washington Street – Complete Electric - \$9,000.00.

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

1. Minutes from the October 1, 2019 regular city council meeting;
2. Claims;
3. Monthly Financial Report; 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 on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez, and Preis. Nay: None. Absent: None. Motion carried.

Bohling reported the monthly financial report is included in the Council packets.

Klinker announced he is retiring as City Attorney effective December 17, 2019 after 27 years. It will be good for the City to have some kind of succession plan and he recommended appointing Assistant City Attorney Don Ficene. Groesser extended his appreciation to Klinker for his service to the City.

Halbur reported the Baright Foundation and Friends of the Library will be conducting their annual book sale this weekend on Friday, Saturday and Sunday. Halbur reported the Library's September statistics are included in the Council packets.

Groesser opened discussion on draft Ordinance 1240, an ordinance repealing Ordinance 1236 and amending Section 622 of Chapter 5 of the Ralston Municipal Code dealing with storage and parking of inoperable and operable automobiles. After discussion, it was indicated that with vehicles parked in the front yard, the Police Department would be able to cite at that time. Konwinski suggested that the last sentence of Section II.E. be moved to before the pervious surfaces.

Groesser read the Veterinary Technician Week Proclamation and presented it to Janine Jernigan of Ralston Veterinary Clinic.

Groesser opened the public hearing at 5:50 PM for consideration of the One and Six Year Street Improvement Program 2020-2025 for the City of Ralston. Lucas Billesbach, City Engineer, explained there are some changes that came about in the One and Six Year Program. LB-82 was passed in the last legislative session and was an attempt by the State to reduce the amount of paperwork associated with the program. The City now retains the One and Six Year Plan within it's own records. Billesbach reminded that the One and Six Year Program is the program that allows the City to receive the road program funds from the State of Nebraska.

The other big shift that occurred with LB-82 is the timing. The State recommends that the One and Six Year Program be adopted at the time of finalization of the budget. Billesbach reviewed the maps included with the plan. Within the one year time frame, there is not much difference than what was included last year. There is one remaining payment for the

84th Street viaduct project. Within the six year plan, there are panel replacements, a complete replacement on 75th Street from Burlington to Main Street and a traffic signal on 72nd Street. Billesbach reported JEO has just recently completed a street assessment of the City of Ralston and will be meeting with city staff within the next few weeks to determine projects for future years.

There being no further discussion, Groesser closed the public hearing at 5:44 PM. Konwinski introduced Resolution 2019-16. Russell read Resolution 2019-16 by title only: a resolution adopting the One-and-Six Year plan. Krause moved and Kavanaugh seconded to approve the following resolution.

RESOLUTION #2019-16
A RESOLUTION ADOPTING THE ONE-AND-SIX YEAR PLAN

WHEREAS, the City of Ralston, Douglas County, Nebraska, is empowered under and by virtue of the laws of Nebraska to adopt a One-and-Six Year Plan to road and street improvements; and

WHEREAS, the City Council of the City of Ralston, Douglas County, Nebraska, has held the necessary public hearing,

NOW, THEREFORE, IT IS RESOLVED that the City of Ralston adopt a One-and-Six Year Plan, Exhibit "A" attached hereto, and made a part hereof.

DATED this 15th day of October, 2019.

CITY OF RALSTON
/s/Donald A. Groesser
Mayor

ATTEST:
/s/Rosemarie D. Russell
City Clerk

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

Krause introduced Resolution 2019-17. Russell read Resolution 2019-17 by title only: a resolution authorizing the signing of the Municipal Annual Certification of Program Compliance Form for 2019. Krause moved to approve the resolution. Russell explained that this is another change from LB-82, where instead of sending the Board of Classification and Standards Forms, the City is certifying compliance with the program via a resolution. Konwinski seconded the motion.

RESOLUTION
SIGNING OF THE
MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM
2019

Whereas, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor of Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Mayor of Ralston is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form

Adopted this 15th day of October, 2019, at Ralston, Nebraska.

Attest:

/s/Rosemarie D. Russell, City Clerk

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

Sanchez 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 second reading of Ordinance 1239 at 5:47 PM. There being no comments, Groesser closed the public hearing at 5:47 PM. Krause moved and Sanchez seconded to approve Ordinance 1239 on second reading. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez and Preis. Nay: None. Absent: None. Motion carried.

Krause moved and Konwinski seconded to waive the third reading of Ordinance 1239. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration of the proposal for Code Enforcement Software from Dude Solutions. Krause moved and Kavanaugh seconded to accept the proposal for Code Enforcement Software from Dude Solutions. Krause indicated this is software that is going to be used by the Police Department to keep track of the code enforcement issues. Forrest indicated this software will be on the cloud and can be used to track all workflows.

Konwinski inquired if the subscription fee of \$11,345.00 is an annual fee and Forrest indicated that is the fee that will be charged every year. There being no further comments, Groesser called for the vote. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fidelity, Kavanaugh, Krause, Sanchez and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration on accepting the Greener Towns Grant for Ralston Tallgrass in the Parks Project. Krause commented on the Greener Towns program in Nebraska City and the goldenrods on the sides of the highway.

Russell gave a presentation on the Tallgrass in the Parks Project. The City of Ralston has received a letter of acceptance for the Tallgrass in the Parks Project for \$1,500 and the City will need to match those funds. The Tallgrass in the Parks project locations include three of Ralston parks – Ponderosa Park, Oak Park, and Pierson Field. The goals for establishing this project are to create natural habitats for pollinators, birds and small mammals; to spend less time and money on mowing and trimming our parks; and minimize water and chemical usage by matching plants to site conditions.

Groesser thanked Russell for applying for the grant. The City is looking at \$1,500 from the grant and the City has to match the grant. Krause moved and Kavanaugh seconded to accept the Greener Towns Grant. Preis said he is still not in favor of the Tallgrass Program and commented on the maintenance issues. He commented on the wildflowers sown at Wildwood Park many years ago as well as other locations and those endeavors did not work. Preis envisions receiving more complaints in addition to another \$1,500 out of the City's pockets for a program that will not work. He doesn't support the program.

Forrest said as people learn more about it some people will take a different perspective on it. He provided a New York Times article describing how birds are vanishing from North America and one of the most important causes of that includes lack of habitat. There is an opportunity for every community to do a little bit to create habitat for wildlife.

Fidelity is also getting complaints. Having tall grass and wildflowers down the right of way would be great but not in the City's parks. Fidelity commented on when the tall grass dries and the possibility of fires. Birds do not live in tall grass and he is not in favor of the tall grass program.

Zach Perkins, Park and Tree Commission member, indicated that part of the reason he became a Park and Tree Commission member was due to the tall grass issue. He was concerned about it as well. This has been discussed at length in the Park and Tree Commission meetings. Perkins said the benefits of this are more in his mind than what the fears or the possibilities of what could happen if this is not done. There is a lot of unused space in the parks and there needs to be an understanding of what places are unused before moving forward with this program.

Perkins commented on having the people on staff caring for this program and that it would be right in line with what other cities and small towns are doing. He believes that this would beautify Ralston. He commented on urban renewal and it being a balance to have some of the tallgrass areas. The grant was endorsed unanimously by the Park and Tree Commission. The grant will help the City get a good leg up on getting these areas where they need to be.

Preis commented on grass fires as well as the agricultural industry using pesticides. He mentioned the City of Bellevue program that lasted less than a year.

There being no further discussion, Groesser called for the vote. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Kavanaugh, Krause, and Sanchez. Nay: Konwinski, Fideline, and Preis. Absent: None. There being a tie vote, Groesser voted Nay. Motion failed.

Forrest asked for clarification on the direction for the tall grass areas currently in the parks. He asked if council would like the tall grass areas to be mowed down. Krause indicated it is an administrative decision and Groesser said his comments were to mow the parks. Forrest said the grant money would move the City forward with the Tall Grass Program and it sounds like what council would like to do is to abandon the Tall Grass Program as it won't really be moving forward without planting the native grasses and the wildflowers. It was indicated that this could be a discussion item at the next City Council meeting.

Freshman commented on mowing being done in late fall, early spring due to the amount of moisture that has been received. Further discussion was held on the Tall Grass Program.

Groesser opened consideration of entering into real estate negotiations with Urban Waters. Krause moved and Sanchez seconded to enter into real estate negotiations with Urban Waters. Krause indicated the piece of property is the City-owned parking lot. This is a chance to get started on the development in the Hinge area. As a start, the City requested proposals to develop the parking lot that the City owns and received a proposal from a developer. Krause is delighted to recommend to proceed with this and get started to approve the concept. Preis said the plan is fine but doesn't think the City-owned parking lot is the parcel to start with. Klinker indicated that if there is any further discussion, it should be done in closed session.

Konwinski recommended that the Mayor recognize the Cub Scout Pack in attendance prior to going into closed session.

Groesser recognized and thanked the Cub Scouts from Cub Scout Pack 83 for attending the council meeting. He answered questions from the Cub Scouts and distributed City of Ralston lapel pins.

For the protection of public interest, Krause moved that the Council go into closed session at 6:22 PM for real estate negotiations. Seconded by Konwinski. On roll call vote, the

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

Groesser stated it has been moved, seconded and passed that the Council go into closed session for the purpose of real estate negotiations. The closed session is necessary for the protection of the public interest.

Groesser stated the Council is reconvened in open session at 6:52 PM. He confirmed that no subject matter other than real estate negotiations was discussed. No formal vote, informal vote, straw vote or poll was taken during closed session.

Groesser called for the vote on the motion made prior to entering into closed session. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez and Preis. Nay: None. Absent: None. Motion carried.

Groesser opened consideration of the amendment to the agreement for Engineering Services with HDR Engineering, Inc., for the Conceptual Design for the 5-points Intersection Plaza, Passageway, and Adjacent Streetscape. This is a deeper dive into the Hinge Project and will be around the downtown area. This will be paid out of Foundation funds. The project is \$69,000.00.

Krause moved and Kavanaugh seconded to approve the amendment to the agreement for Engineering Services with HDR Engineering, Inc., for the Conceptual Design for the 5-points Intersection Plaza, Passageway, and Adjacent Streetscape. Groesser indicated the Hinge Committee has approved this to move forward as well. On roll call vote, the following votes were recorded on the electronic voting board. Aye: Konwinski, Fideline, Kavanaugh, Krause, Sanchez and Preis. Nay: None. Absent: None. Motion carried.

Public comment: Rich Shively, 7505 Washington Street, commented on the contractors mowing the grass and said to be sure to include weed whacking in the contract. Shively commented that the eternal flame by the flagpole was started on November 11, 1969. He is working to get it re-lit by November 11th this year to celebrate 100 years of the American Legion.

Council comment: There was no council comment.

There being no further business to come before the Council, the meeting was adjourned at 6:56 PM.

Next regular meeting Tuesday, November 5, 2019 at 5:30 PM.

Rosemarie D. Russell
City Clerk

Donald A. Groesser
Mayor

CLAIMS – 10-15-2019 – Above & Beyond, 14,942.50, Mowing & Arena Concrete; Access Systems Leasing, 2,218.09, Printers/Copiers; AFLAC, 795.00, Insurance; Ameripride Services, Inc., 104.23, Building Maint; Asphalt & Concrete Materials, 633.19, Hot Mix; Black Hills Energy, 14.69, Utilities; Bohling, Timothy, 429.00, Reimbursement-Training Expense; Caselle, Inc., 1,151.00, Contract Support; Cavanaugh Macdonald Consulting, 2,500.00, Professional Services; City Treasurer, 120.00, Range-1/2 Day; Cornhusker International Trucks, 2,502.80, Parts/Labor; Cox Business Services, 1,891.76, Telephone/Cable; Defensive Edge Training, 450.00, Training; Diamond Laundry Service, Inc., 49.90, Laundry Service; Doug Rutherford, 100.00, Lawn Mowing; Eakes Office Solutions, 125.64, Office Supplies; Experian, 27.00, Services; Factory Motor Parts Co., 59.23, Supplies; Fireguard, Inc., 372.00, Fire Alarm Monitoring; Fleek, Brianna, 120.00, Janitorial; Global Spectrum, 8,000.00, Venue Management Fee; HDR Engineering, Inc., 8,024.61, Hinge Planning & Design; IIMC, 110.00, Annual Membership Dues; Ingram Library Services, Inc., 2,802.23, Books/Audio Visual; Integrated Solutions, Inc., 3,641.00, Computer Support/Services; JEO Consulting Group, Inc., 260.00, GIS Assistance; Jones Automotive, Inc., 255.57, Labor/Repair; Klinker, Mark, 4,477.50, Professional Services; L-Tron, 195.00, Supplies; Melissa Young, 7.08, Reimbursement; Menards-Ralston, 959.03, Supplies; Michael Todd & Co, Inc., 3,717.74, Materials; Mid-American Benefits, Inc., 2,792.16, FSA Plan & Cobra Fees; Midwest Plastics, Inc., 584.55, Film; Nebraska Iowa Supply Co., 1,540.03, Fuel; Nebraska-Iowa Ind Fasteners, 24.01, Supplies; OCLC, Inc., 365.21, Cataloging and Metadata; Omaha Compound Company, 330.20, Maint/Supplies; Omaha Public Power District, 14,164.60, Utilities; O'Malley, Margaret, 288.75, Janitorial; One Call Concepts. Inc., 73.73, Locate Fees; Port-A-Johns Inc., 140.00, Portable Restroom Rentals; Project Extra Mile, 150.00, Awards Ceremony; Publishers Prime, 18.22, Books; Ralston Area Chamber of Commerce, 15.00, Chamber Lunch; Ralston Automotive, 323.04, Repairs/Service; Recorded Books, Inc., 214.72, Books; Ridder, Justine, 39.82, Reimbursement; Russell, Rosemarie, 59.16, Reimbursement; Suburban Newspapers, Inc., 939.61, Legal Publications; The Daily Record, 13.10, Legal Publications; Trans Union Risk & Alternative, 50.00, Services; Uline, 80.51, Office Supplies; United Tactical Systems, LLC, 395.00, Training; Verizon Wireless, 1,083.10, Cell Phones; Voss Lighting, 365.54, Supplies; Westlake Ace Hardware, 22.48, Supplies.