

PLATTSMOUTH CITY COUNCIL
June 18, 2012

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:00 o'clock p.m. on June 18, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Terry Kerns, John R. Porter, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Attorney Roger Johnson and City Treasurer Peggy Wilsey.

Notice of this meeting was given in advance by publication in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

ITEM 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Riese to approve the consent agenda as presented. Before consideration Riese rescinded his original motion. Motion by Riese, seconded by Tilson to approve Items A and C of the Consent Agenda with Item B of the Consent Agenda being considered separately.

A Consider approval of June 4, 2012 Plattsmouth City Council Meeting Minutes

C Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 6/01/2012 not Net as before

General Admin 15,150.01

Humane 1,146.40

EMS 5,260.39

Police 35,458.54

Street 10,888.81

Public Library 6,431.64

Parks 2,499.80

Oakhill Cemetery 1,387.56
 Senior Center 1,787.17
 Community Center 7,969.35
 Pool 4,119.30
 Water 6,147.37
 Sewer 6,011.34
 CBD 570.00
 TOTAL SALARIES 104,827.68

various

CINTAS CORPORATION #749	18.60
Shell	5,866.87
FIDELITY SECURITY LIFE E	263.40
FRATERNAL ORDER OF POLIC	180.00
UNITED STATES LIFE INSUR	91.21
UNITED STATES LIFE INSUR	30.40
GENERAL ADMINISTRATION	
ADVANCED OFFICE AUTOMATI	308.09
BOMGAARS SUPPLY	102.62
CASS COUNTY REGISTER OF	26.50
CASS COUNTY TREASURER	299.27
COMPUTER CABLE CONNECTIO	2,458.00
DANA F. COLE & COMPANY L	10,500.00
EGAN SUPPLY CO	145.16
FIRST BANKCARD	557.82
HIGGINS HARDWARE	8.99
JOHN P O'BRIEN	300.00
JOHN'S APPLIANCE	215.95
KATHRYN SHARP	125.00
LEAGUE OF NEB MUNICIPALI	95.00
MAIN STREET JEWELERS	21.40
MENARDS	413.54
MICROFILM IMAGING SYSTEM	60.00
NEBRASKA AIR FILTER INC	277.68
NEBRASKA PUBLIC POWER DI	64.74
OLMSTED & PERRY ENGINEER	2,216.52
PAPILLION SANITATION	6,641.35
PAYLESS OFFICE PRODUCTS	42.29
PITNEY BOWES	2,500.00
THE COLUMBUS TELEGRAM	514.08
VERIZON WIRELESS	87.62
WELLS FARGO BANK	350.00

WINDSTREAM	325.33
WIREBUILT CO	75.00
HUMANE/CODE ENFORCEMENT	
LAMBERT VET SUPPLY	176.49
NEBRASKA PUBLIC POWER DI	92.41
PLATTSMOUTH ANIMAL HOSPI	321.00
POLICE	
ELECTRICAL ENGINEERING & GE CAPITAL	8.75 639.00
JACK'S UNIFORMS & EQUIPM	94.99
KAHLER CONSTRUCTION	1,815.00
LEE ENTERPRISES INC	450.00
LINDER TIRE & AUTO INC	60.00
MJN INC	900.00
NATIONAL LAW ENFORCEMNT	549.74
OMAHA WORLD HERALD	22.10
PAYLESS OFFICE PRODUCTS	26.98
TILSON AUTOMOTIVE	32.50
VERIZON WIRELESS	37.04
WINDSTREAM	339.60
WOODHOUSE FORD SOUTH INC	6.43
STREET	
BOBCAT OF OMAHA	151.44
BOMGAARS SUPPLY	200.80
CINTAS CORPORATION #749	240.60
HDS WHITE CAP CONST SUPP	1,400.00
LINDER TIRE & AUTO INC	718.96
LOGAN CONTRACTORS SUPPLY	500.00
LOVELAND LAWNS INC	185.90
MENARDS	90.00
MICHAEL TODD & COMPANY I	851.44
MULLENAX AUTO SUPPLY	565.11
NEBRASKA PUBLIC POWER DI	6,826.51
OLMSTED & PERRY ENGINEER	164.47
PAPILLION SANITATION	117.66
PLATTSMOUTH READY MIX IN	679.99
PRUITT INC	39.22
VERIZON WIRELESS	136.24
WINDSTREAM	105.02
WOODHOUSE FORD SOUTH INC	246.57
LIBRARY	
BAKER & TAYLOR BOOKS	316.06
CENTER POINT LARGE PRINT	213.90

DOLLAR GENERAL	14.80
UPSTART	132.70
PARK & REC	
BOMGAARS SUPPLY	163.70
FERGUSON ENTERPRISES	1,749.40
HDR ENGINEERING INC	15,920.99
HIGGINS HARDWARE	88.73
LOVELAND LAWNS INC	3,286.35
MENARDS	32.50
MIDWEST MINOR MEDICAL	100.00
MULLENAX AUTO SUPPLY	47.91
MURRAY BUILDING & SUPPLY	2.99
NEBRASKA PUBLIC POWER DI	124.53
PAPILLION SANITATION	102.95
PIONEER MANUFACTURING CO	10.95
RGS REPAIR INC	404.18
TERRY LINDSEY	181.95
VERIZON WIRELESS	34.06
WINDSTREAM	51.14
CEMETERY	
BLACK HILLS ENERGY	18.84
MULLENAX AUTO SUPPLY	255.77
WINDSTREAM	74.11
FIRE	
COMPUTER CABLE CONNECTIO	1,229.00
WINDSTREAM	104.85
SENIOR CITIZEN CTR	
EGAN SUPPLY CO	264.74
NEBRASKA PUBLIC POWER DI	717.52
OFE OIL INC.	93.40
PAYLESS OFFICE PRODUCTS	35.99
STEUBE'S THRIFTWAY	446.50
THE THOMPSON COMPANY	6,182.97
WINDSTREAM	105.67
WORTHINGTON DIRECT	739.00
COMMUNITY CENTER	
ALLISON WELCH	112.50
CINDI BOSWELL	50.00
DEBBIE BAGGENSTOSS	187.50
DEBRA S FLAHERTY	448.00
DIANA L. POGREBA	50.00
EGAN SUPPLY CO	293.23
JOYCE HICKS	75.00

KAREN MOREHEAD	72.50
KELLEY STEELE	100.00
LAUREN GEORGE	25.00
MECHANICAL SALES INC	2,810.63
MICHAEL ANZALONE	150.00
MICHELLE MCKNIGHT	50.00
NE DOL	72.00
NEBRASKA AIR FILTER INC	219.98
NEBRASKA PUBLIC POWER DI	6,457.71
OLMSTED & PERRY ENGINEER	1,155.00
PAPILLION SANITATION	101.00
RAE SLAUGHTER	59.92
SARAH ASCHENBRENNER	137.50
SHARI BARRIOS	60.00
THOMAS WOODS	975.00
VERIZON WIRELESS	68.86
WINDSTREAM	337.00

AQUATIC

ADOLPH KIEFER & ASSOCIAT	8.95
AQUA CHEM INC	2,982.15
BOMGAARS SUPPLY	181.33
DIAMOND VOGEL PAINT CENT	158.26
DOREEN HUNSICKER	250.00
EGAN SUPPLY CO	789.23
FERGUSON ENTERPRISES	464.86
HIGGINS HARDWARE	4.44
MULLENAX AUTO SUPPLY	41.99
NEBRASKA PUBLIC POWER DI	459.66
PAPILLION SANITATION	230.78
PAYLESS OFFICE PRODUCTS	373.99
PEPSI COLA	355.30
SAM'S	339.70
WINDSTREAM	45.91

ECONOMIC DEVELOPMENT

BOMGAARS SUPPLY	.98
HIGGINS HARDWARE	50.00
LYMAN RICHEY SAND & GRAV	34.73
PLATTSMOUTH READY MIX IN	2,096.00
WATKINS CONCRETE BLOCK C	3,512.22

EMS

COMPUTER CABLE CONNECTIO	1,229.00
WINDSTREAM	104.86

WATER

DANA F. COLE & COMPANY L	4,200.00
FERGUSON ENTERPRISES	29.46
GREAT PLAINS ONE CALL SE	64.79
HACH COMPANY	178.15
HAWKINS INC	861.00
HDR ENGINEERING INC	61,082.11
HIGGINS HARDWARE	39.76
INTERSTATE INDUSTRIAL SE	117.70
KNIGHT TRUCKING LLC	680.74
MENARDS	184.33
MISSISSIPPI LIME COMPANY	3,235.95
MUNICIPAL AUTOMATION & C	449.36
NEBRASKA PUBLIC HEALTH E	296.00
NEBRASKA PUBLIC POWER DI	4,386.72
OLMSTED & PERRY ENGINEER	164.47
SHERWIN WILLIAMS	375.43
STEUBE'S THRIFTWAY	1.09
UNITED SEED INC	210.00
USA BLUEBOOK	592.60
VERIZON WIRELESS	102.18
WATER DEPARTMENT-PETTY C	436.84
WINDSTREAM	155.30

SEWER

DANA F. COLE & COMPANY L	2,800.00
DPC INDUSTRIES INC	45.00
FIRST BANKCARD	13.98
GREAT PLAINS ONE CALL SE	64.78
HDR ENGINEERING INC	2,953.35
HOTSY EQUIPMENT CO	230.44
JOHN DEERE CREDIT	20.74
MARK MOREHEAD CONSTRUCTI	150.00
MENARDS	14.99
MICHAEL TODD & COMPANY I	243.47
MIDWEST LABORATORIES INC	485.00
MUNICIPAL AUTOMATION & C	471.50
NEBRASKA PUBLIC POWER DI	1,555.03
O'REILLY AUTOMOTIVE INC	91.01
OLMSTED & PERRY ENGINEER	164.46
OMAHA DOOR & WINDOW COMP	200.76
PAPILLION SANITATION	39.42
TERRY LINDSEY	362.13
VERIZON WIRELESS	34.06
WILES BROS. INC.	63.55

	WINDSTREAM	46.55
20	CSO PROJECT (CLEAN WATER SRF)	
	HDR ENGINEERING INC	1,064.61
22	CSO PROJECT PHASE II	
	AAA SEWER & DRAIN CLEANI	367.50
	HDR ENGINEERING INC	13,650.65
24	.05% SALES TAX STREET/SIDE MAINT	
	BOMGAARS SUPPLY	157.09
	HAMILTON EQUIPMENT	30,275.00
	HDR ENGINEERING INC	944.09
	LOVELAND LAWNS INC	367.65
	QUALITY SIGNS	175.00
30	HWY 75 PROJECT	
	OLMSTED & PERRY ENGINEER	3,885.00
	GENERAL EXCAVATING CO	21,216.15
	OLMSTED & PERRY ENGINEER	2,637.50
	GENERAL EXCAVATING CO	21,216.15
	OLMSTED & PERRY ENGINEER	2,637.50
32	WESTSIDE	
	OLMSTED & PERRY ENGINEER	1,249.10

Total Claims 302,742.40

Total Claims and Salaries 407,570.08

ROLL CALL: Yes-Kerns, Brookhouser, Tilson Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

After clarification of Permit Fees, Insurance Amounts and Fire Chief approval, motion by Tesarek, seconded by Riese to approve Item B of the Consent Agenda as listed:

- B Consider approval of the 2012 Applications for Fireworks License contingent upon receipt of all fees and documentation required and Fire Chief Approval:
- 1 Hometown Fireworks-830 Chicago Avenue
 - 2 Ka-Boomer's Ent. Inc.-211 South 23rd Street (Pamida)
 - 3 John Masters-1318 South 15th Street (Kahler Construction)
 - 4 Bellino Fireworks Inc-2405 Oak Hill Road
 - 5 Bronson Family Fireworks-Avenue B & Highway 75
 - 6 Wild Willy's Fireworks-2401 Oak Hill Road

ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Terry Kerns stated that he would be abstaining from any discussion or action regarding this item as he is the President and a majority shareholder of Kerns Excavating Co., Inc.

Steven W. Perry, PE of Olmsted & Perry Consulting Engineers Inc., City Engineer presented the Bid Tab Sheet for the Missouri River City Boat Ramp and Park Repair Project. Mr. Perry stated that there were 4 plan holders but only one bid was submitted and after review recommends bid approval and award of contract to Kerns Excavating Co., Inc with a Base Bid unit price contract award of \$121,345.0. Mr. Perry also stated that the bid came in about \$15,000.00 over the estimated cost of the project and felt that the timeline may have come in to play with exceeding the estimate. Motion by Dugan, seconded by Porter to approve the bid and award the contract to Kerns Excavating Co., Inc. for the Missouri River City Boat Ramp and Park Repair Project at a Base Bid unit price contract award of \$121,345.50 and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter and Brookhouser. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Steven W. Perry, PE of Olmsted & Perry Consulting Engineers Inc., City Engineer reviewed Change Order No. 2 submitted by General Excavating for NDOR Highway 75 Project NH-75-2(155) Plattsmouth South of the Platte River Utility Relocations Project in the amount of (+)\$2,272.36. Nebraska Department of Roads made design changes which resulted in the change order. Mr. Perry also stated that all main line sewer and water for the project are in and have been tested. Motion by Riese, seconded by Brookhouser to approve Change Order No. 2 submitted by General Excavating for NDOR Highway 75 Project NH-75-2(155) Plattsmouth South of the Platte River Utility Relocations Project in the amount of (+)\$2,272.36 and authorize the Mayor to execute the change order. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Chris Koenig, PE-HDR Engineering Inc. reviewed Change Order No. 3 (Final) in the amount of (+) \$5,651.83 with Utilities Service Group for the Wastewater Treatment Plant Tank Cleaning Project for an adjusted contract price of \$84,344.33 and an addition of 18 calendar days to the Contract Time to increase the Total Contract Time to 43 Calendar Days. Motion by Riese, seconded by Dugan to approve Change Order No. 3 (Final) in the amount of (+) \$5,651.83 with Utilities Service Group for the Wastewater Treatment Plant Tank Cleaning Project for an adjusted contract price of \$84,344.33 and an addition of 18 calendar days to the Contract Time to increase the Total Contract Time to 43 Calendar Days and authorize the Mayor to execute Change Order No. 3 (Final) with revisions (Change Order No. 3 (final) shows a (-) and should be a (+). ROLL CALL: Yes-Brookhouser, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Chris Koenig, PE-HDR Engineering, Inc. reviewed Pay Application No. 2 submitted by Utilities Service Group Inc. for Wastewater Treatment Plant Tank Cleaning in the amount of \$24,744.33 with Item 8 C but was available for questions. Motion by Riese, seconded by Porter to approve Pay Application No. 2 submitted by Utilities Service Group Inc. for Wastewater Treatment Plant Tank Cleaning in the amount of \$24,744.33 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Chris Koenig, PE-HDR Engineering, Inc. reviewed Pay Application No. 3 (Final) submitted by Utilities Service Group Inc. for Wastewater Treatment Plant Tank Cleaning in the amount of \$2,000.00. Motion by Kerns, seconded by Riese to approve Pay Application No. 3 (Final) submitted by Utilities Service Group Inc. for Wastewater Treatment Plant Tank Cleaning in the amount of \$2,000.00 and authorize the Mayor to execute Pay Application No. 3 (Final) contingent on release of liens. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Council Member Tilson stated that he was not prepared to act on Items F, G and H.

Chris Koenig, PE-HDR Engineering, Inc. reviewed Change Order No. 11 (Final) in the amount of (+) \$49,292.66 with Graham Construction, Inc. for the Main Street Corridor Improvements for an adjusted contract price of \$5,911,402.19. Koenig state that the increase was due to changes in quantity which is detailed in the summary. They are in the process of scheduling the Final Walk-thru and that there are a few punch list items to be taken care of. Motion by Kerns, seconded by Porter to approve Change Order No. 11 (Final) in the amount of (+) \$49,292.66 with Graham Construction, Inc. for the Main Street Corridor Improvements for an adjusted contract price of \$5,911,402.19 and authorize the Mayor to execute Change Order No. 11 (Final). ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Riese. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 G

Motion by Kerns, seconded by Porter to approve Pay Application No. 17 submitted by Graham Construction, Inc. for the Main Street Corridor Improvements in the amount of \$360,685.74 and authorize the Mayor to execute Pay Application No. 17. Council Member Riese questioned if \$10,000.00 in retainage was enough to cover the items not done or not done to our satisfaction. After further discussion, ROLL CALL: Yes-Brookhouser, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 H

Motion by Riese, seconded by Dugan to approve Pay Application No. 18 (Final) submitted by Graham Construction, Inc. for the Main Street Corridor Improvements in the amount of \$10,000.00 and authorize the Mayor to execute Pay Application No. 18 (Final) contingent on satisfactory completion of all punch list items and release of all liens. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Dugan, Tearek, Derby and Porter. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 I

Motion by Porter, seconded by Kerns to approve the purchase of 132,000 pounds of 3+ crumb rubber from Entire Recycling of Rock Port, Missouri at a price of \$15,840 plus \$1,050 delivery charge, for a not to exceed cost of \$16,890 for the Rhylander Park Playground area. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Motion by Riese, seconded by Tesarek to approve the request of Russ and Kimberly Kathol, Main Street Jewelers, to borrow \$47,755 for the purpose of façade improvements on the property legally described as The West Half of Lot 4 and all of Lot 5, Block 35, in the City of Plattsmouth, Cass County, Nebraska, and authorize the Mayor to execute the Loan/Grant Agreement and other required documents. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Dave Taladay, Director of South East Nebraska Development District reviewed communication from the Nebraska Department of Economic Development regarding the CDBG Revolving Loan Fund for Economic Development. Erv Portis, City Administrator has already applied for a 60 extension so the accounts can be reviewed and determine full compliance. Taladay stated that a regional non-profit organization, SENDD, Inc, has been formed to contract with SENDD to manage the funds of these accounts. It was also stated that not all communities received the communication from the NDEC. It was also questioned what the state's responsibility is in the monitoring of compliance of the usage of the funds. No one has seen the monitoring checklist, which is a substantial risk in itself, and monitoring will be done at the finite level. Additional information will be given as it becomes available.

ITEM 9 C

Council Member Kerns state that he would be abstaining from any discussion or action of this item as he is the president of Kerns Excavating Co., Inc.

Motion by Tilson, seconded by Riese to approve payment of an invoice submitted by Kerns Excavating Co. in the amount of \$110.00 for work on the Hwy 75 Project. ROLL CALL: Yes- Tesarek, Derby, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain- Kerns. MOTION CARRIED.

ITEM 9 D

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest with regard to contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. 8:18 p.m. Motion by Tilson, seconded by Porter to convene in Closed Session to protect the public interest with regard to contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest with regard to contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. 8:39 p.m. Motion by Riese, seconded by Porter to reconvene in regular session. On a voice vote, MOTION CARRIED.

ITEM 12

8:59 p.m. Motion by Tesarek, seconded by Dugan to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk