

PLATTSMOUTH CITY COUNCIL

June 16, 2014

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 16, 2014 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: Steve Riese. Also present: City Administrator Ervin Portis, City Attorney Roger Johnson, City Clerk Sandra J. Meyer and City Treasurer Roger Davis.

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

Harlan Seyfer-Plattsmouth Historian informed the Mayor and Council of the activities scheduled to commemorate the 300th Anniversary of the Discovery of the Mouth of the Platte River.

ITEM 6-MAYORAL PROCLAMATIONS

Mayor Bowman proclaimed June 16, 2014 through June 22, 2014 as a week to commemorate the 300th Anniversary of the Discovery of the Mouth of the Platte River.

ITEM 7-CONSENT AGENDA:

Motion by Wiemer, seconded by Derby to approve the Consent Agenda as presented:

- A Consider approval of the June 2, 2014 City Council Meeting Minutes
- B Consider approval of the 2014 Applications for Fireworks License contingent upon receipt of all fees and documentation (State Fire Marshall Fireworks Permit, State of Nebraska Sales Tax Certificate and Proof of Insurance) required and Fire Chief approval:
 - *(All fees and documentation have been received)
 - 1 Ka-Boomer's Ent. Inc.-302 Fulton Ave.
 - 2 Wild Willy's Fireworks-16315 Westside Drive
 - 3 Bronson Family Fireworks-Hwy 75 & Avenue B
 - 4 Hometown Fireworks-830 Chicago Ave.
 - 5 John Masters-1318 South 15th Street

- 6 Bellino Fireworks-2405 Oak Hill Road
- 7 Bellino Fireworks-303 Bestman Drive
- 8 Royce Productions-906 Webster Blvd.

C Consider approval of claims

Claims Register Report
as of 6/17/2014

Vendor Name Amount

Pay Date: 6/13/14
Com Ctr 18555.82
EMS 8001.46
General 16479.15
Library 6694.02
Park and Cemetery 4227.21
Police 32035.24
Senior 1982.9
Street 11185.24
Water and Sewer 12472.33

111633.37

VARIOUS

AMERITAS LIFE INSURANCE CORP 12567.13
CITY TREASURER 777.92
COLLECTION SERVICES CENTER 186
EYE MED VISION CARE 276.88
FRATERNAL ORDER OF POLICE 165
HERITAGE PHARMACY 8.99
INTERNAL REVENUE SERVICE 27143.86
LORI HUNTER 8.26
NEBRASKA DEPARTMENT OF REVENUE (INCOME TAX) 3543.32
PLATTSMOUTH STATE BANK 1611.93
UNITED STATES LIFE INSURANCE CO 175.81

Department : 01 - GENERAL ADMINISTRATION
CASS COUNTY COURT 17
CASS COUNTY REGISTER OF DEEDS 20
CASS COUNTY TREASURER 837.89
DUGAN BUSINESS FORMS 385.15
EGAN SUPPLY CO 58.25
HEARTLAND TECHNOLOGY SOLUTIONS 12784.8
HIGGINS HARDWARE 6.58
JEO CONSULTING GROUP INC 287.5
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 228.77

KONICA MINOLTA PREMIER FINANCE 296.16
MICROFILM IMAGING SYSTEMS 75
NEBRASKA FLOODPLAIN & STORMWATER MANAGES 90
PAYLESS OFFICE PRODUCTS 98.85
RDG PLANNING & DESIGN 10000
SCHNEIDER AGENCY 87
THE COLUMBUS TELEGRAM 283.67
VERIZON WIRELESS 83.23
WASTE CONNECTIONS OF NEBRASKA INC 49.88
WATER DEPARTMENT-PETTY CASH 364.05
WINDSTREAM 295.12
WIREBUILT CO 75

Department : 02 - HUMANE/CODE ENFORCEMENT
SHELL FLEET PLUS 299.43
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 20.98
VERIZON WIRELESS 40.01

Department : 03 - EMS
ANDREW JARVIS 17.76
FOUR STAR LAUNDRY 14.84
HIGGINS HARDWARE 29.99
IDEAL PURE WATER 7
KONICA MINOLTA PREMIER FINANCE 34.98
SHELL FLEET PLUS 661.51
VERIZON WIRELESS 254.5
WASTE CONNECTIONS OF NEBRASKA INC 14.58

Department : 04 - POLICE
DIGITAL ALLY 410
JACK'S UNIFORMS & EQUIPMENT 1057.06
JEFF HENRY CHEVROLET 1089.34
KAHLER CONSTRUCTION 4575
KONICA MINOLTA BUSINESS SOLUTIONS 165.57
KONICA MINOLTA PREMIER FINANCE 197.6
MJN INC 1600
SHELL FLEET PLUS 2437.7
STEVE RATHMAN 70.62
UNMC PHYSICIANS 189
VERIZON WIRELESS 120.05
WINDSTREAM 292.56

Department : 05 - STREET
BARONI ENTERPRISES 240.8
BGNE INC 275.8
CINTAS CORPORATION #749 297.84
CONWAY OIL COMPANY 2795.71
EGAN SUPPLY CO 262.6

HIGGINS HARDWARE 19.6
KRIZ DAVIS CO 80
LINDER TIRE & AUTO INC 48
LYMAN RICHEY CORPORATION 1054.25
MARTIN MARIETTA AGGREGATES 2823.51
MULLENAX AUTO SUPPLY 42.47
PAYLESS OFFICE PRODUCTS 36.87
ROSE EQUIPMENT INC 432.3
SHELL FLEET PLUS 955.5
VERIZON WIRELESS 126.08
WASTE CONNECTIONS OF NEBRASKA INC 119.4
WINDSTREAM 109.11

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 674.79
CENTER POINT LARGE PRINT 216.9
CHARTER BUSINESS 16
DEMCO 90.08
HEARTLAND TECHNOLOGY SOLUTIONS 3888.3
KONICA MINOLTA BUSINESS SOLUTIONS 31.58
KONICA MINOLTA PREMIER FINANCE 197.6
NEBRASKA LIBRARY COMMISSION 10
OCLC INC 69.26
UNIVERSITY OF NEBRASKA OMAHA 150
WASTE CONNECTIONS OF NEBRASKA INC 14.56
WINDSTREAM 54.94

Department : 07 - PARK & REC

CHARLES S SCHREIBER 131
JOHN DEERE CREDIT 20.46
LINDER TIRE & AUTO INC 219
LOVELAND LAWNS INC 485.7
SHELL FLEET PLUS 270.08
STOLTENBERG NURSERIES 2610
VERIZON WIRELESS 31.52
WASTE CONNECTIONS OF NEBRASKA INC 113.04

Department : 08 - CEMETERY

BLACK HILLS ENERGY 28.23
CONWAY OIL COMPANY 1621.14
SHELL FLEET PLUS 115.75
TED'S MOWER SALES AND SERVICE 157.13
VERIZON WIRELESS 31.52
WINDSTREAM 89.61

Department : 10 - FIRE

FIRST BANKCARD 522
FOUR STAR LAUNDRY 14.84

GREG CLIFTON 273.86
HEIMAN INC 425.5
IDEAL PURE WATER 7
ISAIAH NIELSON 397.46
KONICA MINOLTA PREMIER FINANCE 34.98
SAM'S CLUB 16.98
WASTE CONNECTIONS OF NEBRASKA INC 14.56

Department : 11 - SENIOR CITIZEN CTR
BARONI ENTERPRISES 1914
EGAN SUPPLY CO 112.24
OFE OIL INC. 239.65
STEUBE'S THRIFTWAY 287.28
THE THOMPSON COMPANY 1048.12
WINDSTREAM 102.72

Department : 16 - ECONOMIC DEVELOPMENT
CASS COUNTY NEBRASKA ECONOMIC DEV 3750

Department : 17 - COMMUNITY CENTER
AQUA CHEM INC 565
CHARTER BUSINESS 220.28
FOUR STAR LAUNDRY 677.5
KONICA MINOLTA BUSINESS SOLUTIONS 118.58
KONICA MINOLTA PREMIER FINANCE 278.83
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 30.93
VERIZON WIRELESS 51.71
WASTE CONNECTIONS OF NEBRASKA INC 102.52
WINDSTREAM 308.14

Department : 18 - AQUATIC
AQUA CHEM INC 329.5
COCA COLA REFRESHMENTS USA INC 992.9
EGAN SUPPLY CO 1002.31
NE DOL/OFFICE OF SAFETY 36
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 137.82
THE THOMPSON COMPANY 2109.48
WASTE CONNECTIONS OF NEBRASKA INC 90.5
WINDSTREAM 47.18

Department : 20 - WATER
BRIAN MCCONNAUGHY 38.46
CITY TREASURER 1058.95
CUMMINS CENTRAL POWER 39000
EGAN SUPPLY CO 27.1
HEARTLAND TECHNOLOGY SOLUTIONS 3790.44
HIGGINS HARDWARE 12.29
JEFF HENRY CHEVROLET 119.6

KNIGHT TRUCKING LLC 710.94
LYMAN RICHEY CORPORATION 1125.36
MATHESON TRI-GAS INC 1192.73
NEBRASKA DEPT OF HEALTH & HUMAN SERVICES 356
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 108
OMAHA DOOR & WINDOW COMPANY 397.9
ONE CALL CONCEPTS INC 39.88
RUSS HOOVER 35.81
SHELL FLEET PLUS 561.74
THIELE GEOTECH INC 135
VERIZON WIRELESS 94.98
WINDSTREAM 167.6

Department : 24 - DRUG FORFEITURE
VERIZON WIRELESS 54.16

Department : 30 - SEWER
AGRIVISION 11.14
DEETER FOUNDRY INC 327
EGAN SUPPLY CO 27.1
HEARTLAND TECHNOLOGY SOLUTIONS 2526.96
LOVELAND LAWNS INC 161.9
MIDWEST LABORATORIES INC 440.5
MULLENAX AUTO SUPPLY 5.34
OFE OIL INC. 60
ONE CALL CONCEPTS INC 39.87
RAILROAD MANAGEMENT COMPANY III LLC 146.16
SHELL FLEET PLUS 604.92
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 27.8
STEUBE'S THRIFTWAY 5.78
VERIZON WIRELESS 31.52
WASTE CONNECTIONS OF NEBRASKA INC 43.28
WHITE CAP CONSTRUCTION SUPPLY 267.38
WINDSTREAM 47.99

Department : 37 - ECONOMIC DEVELOPMENT - RV PARK
RDG GEOSCIENCE & ENGINEERING INC 3400

Following discussion, Wiemer amended her motion as follows: Approve the consent agenda, setting aside the claim to Cummins Central Power-\$39,000.00 for separate consideration. Said amended motion was seconded by Derby.

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

CUMMINS CENTRAL POWER CLAIM

Erv Portis, City Administrator advised that Council authorized purchase of a Portable Emergency Generator from Cummins Central Power. The City has a NDHHS grant of \$10,000 conditioned on receipt, acceptance, and payment by June 30, 2014. Contract with Cummins required delivery and acceptance by June 6, 2014. The City has not yet taken delivery and upon delivery staff will need to assure bid specifications regarding design and performance have been met. Approval of the claim is recommended conditioned on receipt, acceptance, and performance per bid specifications. If Council approves as recommended, Cummins will not be paid until the unit is delivered and accepted. If Cummins failure to perform as required by contract causes the City to lose the NDHHS grant award, the City should seek liquidated damages as specified in the bid award and contract. Following further discussion, motion by Dugan, seconded by Kerns to approve as specifically recommended by the City Administrator. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Dugan and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Kerns introduced a resolution numbered and titled as follows: RESOLUTION NO. 14-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA APPROVING SUPPLEMENTAL AGREEMENT NO. 1, PROJECT NO. RD-34-7 (1034) FORMERLY DPS-34-7(122), CONTROL NO. 22303 FORMERLY 22246, BY AND BETWEEN THE CITY OF PLATTSMOUTH AND THE STATE OF NEBRASKA, DEPARTMENT OF ROADS, REGARDING U.S. HIGHWAY 34 RELINQUISHMENT; AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT.

Motion by Kerns, seconded by Porter to adopt RESOLUTION NO. 14-019 by title only:

RESOLUTION NO. 14-019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA APPROVING SUPPLEMENTAL AGREEMENT NO. 1, PROJECT NO. RD-34-7 (1034) FORMERLY DPS-34-7(122), CONTROL NO. 22303 FORMERLY 22246, BY AND BETWEEN THE CITY OF PLATTSMOUTH AND THE STATE OF NEBRASKA, DEPARTMENT OF ROADS, REGARDING U.S. HIGHWAY 34 RELINQUISHMENT; AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Plattsmouth and State of Nebraska Department of Roads (NDOR) entered into an agreement executed by the City on November 19, 2007, providing for the relinquishment of Nebraska State Highway US-34;

WHEREAS, the City of Plattsmouth and NDOR have negotiated new terms for the relinquishment, with those terms articulated in Supplemental Agreement No. 1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska, that Supplemental Agreement No. 1 for PROJECT NO. RD-34-7 (1034) FORMERLY DPS-34-7(122), CONTROL NO. 22303 FORMERLY 22246, BY AND BETWEEN THE CITY OF PLATTSMOUTH AND THE STATE OF NEBRASKA, DEPARTMENT OF ROADS, REGARDING HIGHWAY 34 RELINQUISHMENT is adopted and the Mayor is authorized to execute Supplemental Agreement No. 1.

PASSED AND APPROVED this 16TH day of June 2014.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 14-019 in to the record by title only. Council Member Tilson stated that he feels the amendment is in conflict with the original agreement and the state should own up to their part. With no further discussion, ROLL CALL: Yes-Porter, Kerns, Brookhouser, Dugan, Wiemer and Derby. No-Tilson. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Dugan, seconded by Wiemer to accept the Letter of Agreement by and between Union Pacific Railroad and City of Plattsmouth to purchase approximately 1.35 acres of property legally described as *Part of the Missouri Pacific Railroad right of way lying in Block 1, Duke's Addition; Block 5, Young & Hay's Addition; Block 6, Young & Hay's Addition; and Block 3, Orchard Hill Addition*, at a price of \$47,000 and authorize the Mayor to execute the Letter of Agreement. ROLL CALL: Yes-Tilson, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Council Member Kerns stated that he would be abstaining from any discussion or action on this item as he is a major shareholder and president of Kerns Excavating Company. Motion by Brookhouser, seconded by Porter to approve a claim submitted by Kerns Excavating Company in the amount of \$605.00 for a pumper truck for sewer cleaning on 5/9/2014 and 5/12/2014 and authorize payment. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Brookhouser and Tilson. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

Motion by Wiemer, seconded by Kerns to receive and refer to the City's Insurance Company a claim filed by Bobby Earl, 1341 Lincoln Avenue regarding a sewer backup. Following discussion, ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Dugan and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 12

7:28 p.m. Motion by Porter, seconded by Kerns to adjourn. On a voice vote, MOTION CARRIED.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk