

PLATTSMOUTH CITY COUNCIL

November 2, 2015

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 November 2, 2015 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Joe Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Treasurer Roger Davis and City Attorney Stephen Q. Preston.

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

Sherri Gross, 2425 So. 15th Street Lot 35-expressed her concerns about some safety issues (i.e. condemned trailers that are not secure; holes; busted sewer pipes; sink holes) which the mobile home park owner, Plattsmouth MHP, LLC-RV Horizons Inc., is not addressing.

Steve Rathman, City of Plattsmouth Police Chief informed the Mayor and Council that November has been declared as "No Shave November" so he has suspended the department general order on facial hair for officers in the department. The Police Department is partnering with Hy-Vee, Jeff Henry Chevrolet, Plattsmouth State Bank, Pam Caba Insurance and Fraternal Order of Police Lodge #34 to raise funds to be donated to the Plattsmouth Middle School to purchase shoes and coats for middle school students who do not have the proper attire to attend school.

Charles Jones, Executive Director of The Plattsmouth Main Street Association reported that approximately 550 children were at the Halloween on Main event that took place on Friday, October 30, 2015 and recognized organizations that participated.

ITEM 6-MAYORAL PROCLAMATIONS

The Mayor has not done any proclamations since the last meeting.

ITEM 7-CONSENT AGENDA:

Motion by Brookhouser, seconded by Tilson to approve the Consent Agenda as presented:

- A Consider approval of the October 19, 2015 City Council Meeting Minutes
- B Consider Additional Claims for 10-19-2015
- C Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises, d/b/a DC's Waterhole for a Fund Raiser being held at the Plattsmouth Community Center, 308 South 18th Street, Plattsmouth on November 21, 2015 from 4:00 p.m. to Midnight
- D Consider approval of claims

Claims Register Report as of 11/2/2015

Vendor Name Amount

Pay Date: 10/30/15

Com Ctr 8266.15

EMS 8313.94

General 13817.81

Library 7337.8

Parks and Cemetery 3916.8

Police 32431.09

Senior 2267.24

Street 11748.28

Water and Sewer 16124.81

104223.92

VARIOUS DEPARTMENTS:

AMERICAN FAMILY LIFE 639.26

AMERITAS 13505.51

AMERITAS LIFE INSURANCE CORP 155.02

CENTRAL UNITED LIFE INSURANCE 265.44

COLLECTION SERVICES CENTER 303.83

DELTA DENTAL PLAN 2706.6

INTERNAL REVENUE SERVICE 26156.58

MUTUAL OF OMAHA 730.02

NEBRASKA DEPARTMENT OF REVENUE 3781.46

PLATTSMOUTH STATE BANK 471.92

SOUTHEAST NE DEVELOPMENT DISTRICT 3125.41

SSRJ INC 50000

Department : 01 - GENERAL ADMINISTRATION

AMERITAS 182

BLACK HILLS ENERGY 22.01

FIRST BANKCARD 5.13

GLORIA WOLF 50
JONES NATIONAL BANK & TRUST 70198.12
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 16.04
OLMSTED & PERRY ENGINEERING 102.09
PAYLESS OFFICE PRODUCTS 17.13
ROGER JOHNSON 80.61
WASTE CONNECTIONS OF NEBRASKA INC 8000.78
WELCH LAW FIRM LLC 6000
WH PLATTSMOUTH LLC 3317.26

Department : 02 - HUMANE/CODE ENFORCEMENT
AMERITAS 32
HEARTS UNITED 35
NEBRASKA HUMANE SOCIETY 35

Department : 03 - EMS
AMERITAS 64
FORT DEARBORN LIFE INSURANCE CO 68.8
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 3.73
KILEY WHEATLEY 1093.68
MICHAEL WOOD 47.15

Department : 04 - POLICE
AMERITAS 950
BARONI ENTERPRISES 12.73
CASS COUNTY SHERIFF 3509
JACKS UNIFORMS & EQUIPMENT 470.2
KAHLER CONSTRUCTION 1510
KONICA MINOLTA BUSINESS SOLUTIONS 13.07
LYNN PEAVEY COMPANY 53.5
NEBRASKA LAW ENFORCEMENT TRAINING CENTER 50
POLICE CHIEFS ASSOC OF NEBRASKA 50
WARGA BROADCASTING LLC 300
WINDSTREAM 312.27

Department : 05 - STREET
ALLIED OIL & TIRE CO 400.55
AMERITAS 160
BLACK HILLS ENERGY 56.26
BOMGAARS SUPPLY 371.17
DXP ENTERPRISES INC 42.91
FERGUSON ENTERPRISES 3920.22
MATHESON TRI-GAS INC 234.13
NEBRASKA SALT & GRAIN CO 3383.98
OLMSTED & PERRY ENGINEERING 5234.68
PAYLESS OFFICE PRODUCTS 49.3
PIONEER EXCAVATING COMPANY LLC 1247.5

PROFESSION WASTE WATER SERVICES 75.5

Department : 06 - LIBRARY

AMERITAS 96
BAKER & TAYLOR BOOKS 728.94
BLACK HILLS ENERGY 23.4
DEMCO 169.5
EGAN SUPPLY CO 121.96
FIRST BANKCARD 1678.63
KAREN MIER 126.5
KIRSTEN WOOD 63.25

Department : 07 - PARKS

AMERICAN UNDERGROUND SUPPLY LLC 3.11
AMERITAS 32
BLACK HILLS ENERGY 22.01
BOMGAARS SUPPLY 81.4
CHARTER BUSINESS 35.24
FASTENAL COMPANY 3.6

Department : 08 - CEMETERY \

AMERITAS 32
BOMGAARS SUPPLY 38.94
NEBRASKA PUBLIC POWER DISTRICT 25.19

Department : 10 - FIRE

FORT DEARBORN LIFE INSURANCE CO 172
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 3.73
INTERSTATE POWER SYSTEMS INC 732.1

Department : 11 - SENIOR CITIZEN CTR

BLACK HILLS ENERGY 62.6

Department : 12 - DEBT SERVICE

PLATTSMOUTH STATE BANK 255881.21

Department : 16 - ECONOMIC DEVELOPMENT

Ck #92 SENDD 86.26

Department : 17 - COMMUNITY CENTER

AMERITAS 96
AQUA CHEM INC 250
BLACK HILLS ENERGY 563.37
DAVID D WARREN 120
ELIZABETH VAN WASSENHOVEN 149.79
FIRST BANKCARD 219.47
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 738.5
KS STATEBANK 1048

NEBRASKA AIR FILTER INC 224.42
OKEEFE ELEVATOR CO INC 346.44
PERMITE CO OF NEB AND IA 125
PLATTSMOUTH COMMUNITY CENTER 240
SHERWIN WILLIAMS 13.78

Department : 18 - AQUATIC
BLACK HILLS ENERGY 22.01

Department : 20 - WATER
AMERICAN UNDERGROUND SUPPLY LLC 825.85
AMERITAS 128
BLACK HILLS ENERGY 24.26
BOMGAARS SUPPLY 135.24
DPC INDUSTRIES INC 1419.18
FASTENAL COMPANY 4.02
FIRST BANKCARD 86.7
GRAYBAR ELECTRIC COMPANY INC 100.61
KNIGHT TRUCKING LLC 600.01
MISSISSIPPI LIME COMPANY 3601.5
MUNICIPAL SUPPLY INC 4666.7
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 615
NEBRASKA PUBLIC POWER DISTRICT 6790.86
OLMSTED & PERRY ENGINEERING 2750
RASMUSSEN MECHANICAL SERVICES INC 500
SEI SECURITY EQUIPMENT 348
SHERWIN WILLIAMS 72.42
STEPHEN C WARGA 27
WELCH LAW FIRM LLC 2000

Department : 30 - SEWER
AMERITAS 128
BLACK HILLS ENERGY 288.31
BOMGAARS SUPPLY 257.85
JOSEY THOMAS AARON 650
KBC INC 159.19
MENARDS 13.48
NEBRASKA PUBLIC POWER DISTRICT 3389.89
OLMSTED & PERRY ENGINEERING 337.5
PAYLESS OFFICE PRODUCTS 26.22
STATE OF NEBRASKA 18
WELCH LAW FIRM LLC 2000

Department : 40 - PLATTSMOUTH KENO
SSRJ INC 25.27

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, P.E., Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 1 submitted by Eriksen Construction Co. Inc. in the amount of \$81,687.65 for the Livingston Road Improvements-Phase II Project. Motion by Brookhouser, seconded by Riese to approve Contractor's Application for Payment No. 1 submitted by Eriksen Construction Co. Inc. in the amount of \$81,687.65 for the Livingston Road Improvements-Phase II Project and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Tilson, Brookhouser, Dugan, Derby, Kerns, Porter, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Steve Perry, P.E., Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Eriksen Construction Co. Inc. for the Livingston Road Improvements-Phase II Project in the amount of (+)\$24,190.20 for a total project cost of \$131,996.20. Mr. Perry stated the change order is for additional work (a culvert that separated) and it was figured in the total Livingston Road Project but the work is being accelerated one phase. Motion by Riese, seconded by Dugan to approve Change Order No. 1 submitted by Eriksen Construction Co. Inc. for the Livingston Road Improvements-Phase II Project in the amount of (+)\$24,190.20 for a total project cost of \$131,996.20 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Wiemer, Derby, Kerns, Brookhouser, Tilson, Dugan, Porter and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council Member Brookhouser introduced a resolution numbered and titled as follows:
RESOLUTION NO. 15-027: A RESOLUTION OF THE CITY COUNCIL OF PLATTSMOUTH, NEBRASKA APPROVING AN AMENDMENT TO THE AMENDED LOTTERY OPERATOR AGREEMENT.

John Hassett, Cass County Keno LLC was present to answer any questions.

Motion by Brookhouser, seconded by Dugan to adopt RESOLUTION NO. 15-027 by title only.

RESOLUTION NO. 15-027

A RESOLUTION OF THE CITY COUNCIL OF PLATTSMOUTH, NEBRASKA APPROVING AN AMENDMENT TO THE AMENDED LOTTERY OPERATOR AGREEMENT

WHEREAS, the City previously entered into a Lottery Operator Agreement with MSJ, Inc. in 1992 for the operation of a municipal lottery in Plattsmouth, and such agreement was

restated in 2002, was assigned with the City's consent to SSRJ, Inc. ("Assignor") in 2007, and was amended in 2007, 2008, and 2009 (collectively, the "Contract");

WHEREAS, the City has approved the assignment of the Contract to Cass County Keno, LLC, a Nebraska limited liability company ("Contractor"), pursuant to the terms of an Assignment and Assumption Agreement between the Assignor, Contractor, and the City, and executed by all parties on October 6, 2015;

WHEREAS, as a condition of the assignment, the City and Cass County Keno, LLC agreed to amend and restate the Contract to incorporate the prior amendments to the Contract, to clarify the specifications regarding the operation of the business and keno game, and to make certain additional changes agreed upon by the parties ("Amendments");

WHEREAS, the City by Resolution dated September 8, 2105 approved an amended and restated Lottery Operating Agreement ("Amended Contract") which incorporated the Amendments; and

WHEREAS, the Contractor has advised the City that the transfer of keno lottery operations from Assignor to Contractor will occur on or about November 2, 2015, and the Contractor has requested the City approve a further amendment to the Lottery Operator Agreement which would permit Contractor to temporarily close its Main Location and suspend the keno lottery operated therein so that Contractor can complete certain repairs and improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska: That the attached First Amendment to Amended Contract is hereby approved, and the Mayor is hereby authorized to enter into said amended amendment on behalf of the City.

PASSED AND APPROVED THIS 2nd DAY OF NOVEMBER, 2015.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Stephen Q. Preston read RESOLUTION NO. 15-027 in to the record by title only. ROLL CALL: Yes-Derby, Wiemer, Dugan, Riese, Tilson, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Council Member Kerns introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1903: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 9, ARTICLE 3, SECTION 9-305 OF THE PLATTSMOUTH**

REVISED MUNICIPAL ORDINANCES 2011, RELATED TO "LANDMARK HERITAGE PRESERVATION"; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Kerns, seconded by Porter to approve third reading of Ordinance No. 1903 by title only. ROLL CALL: Yes-Brookhouser, Riese, Kerns, Dugan, Porter, Derby, Wiemer and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read Ordinance No. 1903 in to the record by title only.

ITEM 9-NEW BUSINESS

ITEM 9 A

Ervin Portis, City Administrator stated that the Updated Federal-Aid Plattsmouth Urban Area Boundaries map that was initiated by the Federal Highway Administration was a routine matter and that the boundaries map was reviewed by Gary Hellwig, Public Works Director and Steve Perry PE of Olmsted & Perry Consulting Engineers. Motion by Kerns, seconded by Brookhouser to approve a Reissue of Updated Federal-Aid Plattsmouth Urban Area Boundaries map initiated by the Federal Highway Administration (FHWA) and authorize the Mayor to sign as the authorized representative of the City of Plattsmouth. ROLL CALL: Yes-Dugan, Porter, Brookhouser, Tilson, Wiemer, Kerns, Derby and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Motion by Wiemer, seconded by Derby to approve Maintenance Agreement No. 21 between the Nebraska Department of Roads and the Municipality of Plattsmouth for calendar year 2016 and authorize the Mayor to execute the Agreement. Following discussion, ROLL CALL: Yes-Kerns, Tilson, Wiemer, Riese, Dugan, Porter, Brookhouser and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council Member Kerns stated that he would be abstaining from any discussion or action pertaining to Item 9 C as he is President and Majority Shareholder in Kerns Excavating Company.

Motion by Porter, seconded by Riese to approve payment of Invoice No. 13202 submitted by Kerns Excavating Company in the amount of \$7,570.00 for the Wintersteen Hill storm sewer tube repair. ROLL CALL: Yes-Derby, Riese, Dugan, Porter, Brookhouser, Tilson and Wiemer. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 D

Motion by Riese, seconded by Porter to approve a Street Closing or Event Permit Application submitted by Plattsmouth Main Street Association for Victorian Christmas-On-Main 2015 to be

held Saturday, November 28, 2015 from 6:00 p.m. to 9:00 p.m. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Brookhouser, seconded by Wiemer to approve the following personnel as new volunteer members of the Plattsouth Emergency Medical Services Department: Michael L. Williams, Alexander D. Witt and Tyler Hetrick. ROLL CALL: Yes-Riese, Derby, Porter, Wiemer, Kerns, Dugan, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Kerns, seconded by Riese to approve the Plattsouth Emergency Medical Services Department Roster. ROLL CALL: Yes-Tilson, Kerns, Dugan, Derby, Riese, Porter, Wiemer and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Riese, seconded by Tilson to approve the appointment of the following proposed new members to the Plattsouth Volunteer Fire Department: Josh Taylor and Phillip Byrom. ROLL CALL: Yes-Brookhouser, Wiemer, Porter, Riese, Derby, Kerns, Tilson and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Brookhouser, seconded by Dugan to approve the Plattsouth Volunteer Fire Department Roster (48 Members). ROLL CALL: Yes-Porter, Derby, Kerns, Wiemer, Brookhouser, Dugan, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

7:32 p.m. Motion by Porter, seconded by Tilson to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk