

PLATTSMOUTH CITY COUNCIL

March 21, 2016

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 March 21, 2016 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 and Doug Derby. Council Members Absent: Wanda Wiemer. 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

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations. Mayor Lambert did recognize Patti Jo Peterson for the award, Friend of the Departments, she received from the Plattsmouth Volunteer Fire Department/Emergency Medical Services Department. Mayor Lambert also introduced Trista Farrens, Cass County Nebraska Economic Development Council Executive Director.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of the March 7, 2016 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 3/21/16

Dept Name / Vendor Name Amount

Pay Date: 3/18/16
Com Ctr 8475.39
EMS 8420.2

General 13811.2
Library 7212.53
Parks and Cemetery 2454.5
Police 34221.94
Senior 2250.98
Street 11866.96
Water and Sewer 12899.29

101612.99

Various
AMERITAS 14266.26
COLLECTION SERVICES CENTER 321.08
DELTA DENTAL PLAN 2838.1
FRATERNAL ORDER OF POLICE 180
INTERNAL REVENUE SERVICE 24769.83
NEBRASKA DEPARTMENT OF REVENUE 3364.57
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 10368.55
PLATTSMOUTH STATE BANK 720.01

Department : 01 - GENERAL ADMINISTRATION
AGA ASSOCIATION OF GOVNMNT ACCOUNTANTS 110
BAIRD HOLM LLP 271.5
CASS COUNTY REGISTER OF DEEDS 16
CHARTER BUSINESS 130
DISCOVERY BENEFITS INC 26.25
IRINA A HARRINGTON 75
JACKIE MOREHEAD 596.17
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 181.26
NEBRASKA PUBLIC POWER DISTRICT 257.14
SHAW HARDWARE STORE 9.98
SHELL FLEET PLUS 24.03
THE COLUMBUS TELEGRAM 290.31
VERIZON WIRELESS 83.31
WINDSTREAM 251.29

Department : 02 - HUMANE/CODE ENFORCEMENT
NEBRASKA PUBLIC POWER DISTRICT 169.07
VERIZON WIRELESS 40.01

Department : 03 - EMS
ALEGENT CREIGHTON HEALTH 35
BOUND TREE MEDICAL LLC 1311.68
DISCOVERY BENEFITS INC 5.25
IDEAL PURE WATER 16.37
KONICA MINOLTA BUSINESS SOLUTIONS 34.53
MATHESON TRI-GAS INC 274.1

METRO BILLING SERVICES LLP 600
MULLENAX AUTO SUPPLY 25.18
NEBRASKA PUBLIC POWER DISTRICT 443.28
SAVAGE PLUMBING INC 48.5
SHELL FLEET PLUS 336.01
VERIZON WIRELESS 224.23
WINDSTREAM 169.74

Department : 04 - POLICE
CASS COUNTY SHERIFF 3509
DISCOVERY BENEFITS INC 31.5
JACKS UNIFORMS & EQUIPMENT 55.94
KONICA MINOLTA BUSINESS SOLUTIONS 78.97
MULLENAX AUTO SUPPLY 41.12
RYAN CRICK 49.2
SHELL FLEET PLUS 1170.83
VERIZON WIRELESS 171.85
WINDSTREAM 323.59

Department : 05 - STREET
AGRIVISION EQUIPMENT GROUP LLC 82.29
ASPHALT & CONCRETE MATERIALS FLINN PAVING INC 652.68
CINTAS CORPORATION #749 271.72
DISCOVERY BENEFITS INC 10.5
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 211.54
IMPACT MANUFACTURING 28.72
LINDER TIRE & AUTO INC 216
MARTIN MARIETTA AGGREGATES 1561.95
MULLENAX AUTO SUPPLY 443.72
NEBRASKA PUBLIC POWER DISTRICT 7877.59
NEBRASKA SALT & GRAIN CO 1714.1
PALFLEET TRUCK EQUIPMENT COMPANY 23000
ROSE EQUIPMENT INC 921.83
SHELL FLEET PLUS 682.68
TERRY LINDSEY 446.1
VERIZON WIRELESS 166.62
WINDSTREAM 92.99

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 1216.38
CENTER POINT LARGE PRINT 258.84
DEMCO 132.9
GALE/CENGAGE LEARNING 19.99
KONICA MINOLTA BUSINESS SOLUTIONS 159.54
MENARDS 51.35
NEBRASKA PUBLIC POWER DISTRICT 473.01
OCLC ONLINE COMPUTER LIBRARY CENTER INC 114.19
RESEARCH TECHNOLOGY INTERNATIONAL 107.51

Department : 07 - PARKS
AGRIVISION EQUIPMENT GROUP LLC 58.67
CHARTER BUSINESS 34.87
MULLENAX AUTO SUPPLY 150.04
NEBRASKA PUBLIC POWER DISTRICT 196.55
SHELL FLEET PLUS 150.88
VERIZON WIRELESS 31.51

Department : 08 - CEMETERY
DISCOVERY BENEFITS INC 5.25
LONNIE ILES 900
MULLENAX AUTO SUPPLY 16.49
NEBRASKA PUBLIC POWER DISTRICT 55.41
SHELL FLEET PLUS 64.66
VERIZON WIRELESS 31.51

Department : 10 - FIRE
CHARTER BUSINESS 15.75
FRONT RANGE FIRE APPARATUS 1109.4
IDEAL PURE WATER 16.38
KONICA MINOLTA BUSINESS SOLUTIONS 34.52
MULLENAX AUTO SUPPLY 28.57
NEBRASKA PUBLIC POWER DISTRICT 443.29
SAVAGE PLUMBING INC 48.5
SOUTHEAST DISTRICT HEALTH DEPARTMENT 250
WALKERS INC 55.5
WINDSTREAM 169.73

Department : 11 - SENIOR CITIZEN CTR
CHARTER BUSINESS 128.62
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 38.18
NEBRASKA PUBLIC POWER DISTRICT 641.35
STEUBES THRIFTWAY 154.17
THE THOMPSON COMPANY 2803.36
WALKERS INC 60.6

Department : 12 - DEBT SERVICE
PLATTSMOUTH STATE BANK 1520

Department : 16 - ECONOMIC DEVELOPMENT
OLMSTED & PERRY ENGINEERING 2007

Department : 17 - COMMUNITY CENTER
AQUA CHEM INC 581.6
BODY BASICS INC 185.79
CATHY OSHEA 25
CHARTER BUSINESS 385.87

COCA COLA 187.8
ECHO GROUP INC 2844.43
EGAN SUPPLY CO 289.76
HEATHER HENRICHS 35
JILL DASHER 25
JOSEY THOMAS AARON 120
JUSTIN KENNEDY 35
KENDRA GREEN 35
KONICA MINOLTA BUSINESS SOLUTIONS 168.04
LIFEGUARD STORE INC 211.2
NEBRASKA PUBLIC POWER DISTRICT 5772.12
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 123.51
TYLER SCHRAM 35
VERIZON WIRELESS 51.8
WALKERS INC 57.6

Department : 18 - AQUATIC
CHARTER BUSINESS 33.97
NEBRASKA PUBLIC POWER DISTRICT 105.47

Department : 20 - WATER
BARCO 116.38
DISCOVERY BENEFITS INC 15.75
DUGAN BUSINESS FORMS 219.24
HD SUPPLY WATERWORKS LTD 755.22
LYMAN RICHEY CORPORATION 531.72
MULLENAX AUTO SUPPLY 186.58
NEBRASKA PUBLIC POWER DISTRICT 27.43
ONE CALL CONCEPTS INC 24.96
OREILLY AUTOMOTIVE INC 21.37
SHELL FLEET PLUS 183.16
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 152.44
TYLER TECHNOLOGIES 90
VERIZON WIRELESS 96.52
WATER & SEWER DEPARTMENT 303.64
WINDSTREAM 120.71

Department : 24 - DRUG FORFEITURE
VERIZON WIRELESS 54.83

Department : 30 - SEWER
MIDWEST LABORATORIES INC 418
ONE CALL CONCEPTS INC 24.96
RHYLANDER WELDING & MFG INC 84
SHELL FLEET PLUS 363.23
TYLER TECHNOLOGIES 90
VERIZON WIRELESS 51.8

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

James Olmsted, P.E., Olmsted & Perry Consulting Engineers Inc. and Gary Hellwig, Public Works Director reviewed the bids for the 2016 Water Treatment Plant Improvements, Clarifier Drive Replacement, consisting of replacing the upflow clarifier drive unit, replacing deteriorated portions of the clarifier assembly, and sandblasting and repainting of the clarifier components. The engineers estimated cost for the project was \$120,750.00-the replacement of the seven (7) fiberglass water collector troughs was far greater than they anticipated. Mr. Olmsted recommends bid award and contract to Judds Brothers Construction Co. at a lump sum price contract award of \$187,500.00. Once the contract has been awarded, a change order would be prepared for council approval deleting the \$61,000.00 from the contract for the fiberglass troughs and recommending a contingency reserve be maintained in the amount of \$12,000.00 for any tie rod repairs that are found to be needed once the tank is drained. With the proposed change order the total project cost would be \$138,500.00. Work Change Directives were discussed which would give authority to the City Administrator to authorize changes that may be needed with a Change Order coming back to council at the next regularly scheduled meeting. The Change Directive would allow for the project to continue to progress instead of having to wait for Council approval. Motion by Riese, seconded by Derby to approve the bid award and contract for the 2016 Water Treatment Plant Improvements, Clarifier Drive Replacement, to Judds Brothers Construction Co. at a lump sum price contract award of \$187,500.00; authorize the City Administrator to approve Work Change Directives on this project; and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Tilson, Derby, Porter, Riese, Brookhouser, Dugan and Kerns. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

Mr. Olmsted stated that Public Works would be publishing information regarding the water quality due to this project.

ITEM 8 B

City Administrator, Ervin Portis stated that no changes were made to the material that the Council received in their March 7, 2016 packet regarding this agenda item and Item 8 C.

Council member Kerns introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1906: AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL PROPERTY WITHIN THE ZONING JURISDICTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, FROM RURAL RESIDENTIAL TO RURAL RESIDENTIAL SUBJECT TO A MIXED USE OVERLAY DISTRICT; TO AMEND THE ZONING DISTRICT BOUNDARIES AND OFFICIAL ZONING MAP OF THE CITY OF PLATTSMOUTH; TO CONDITION APPROVAL UPON COMPLIANCE WITH DEVELOPMENT AGREEMENT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Kerns, seconded by Riese to approve third and final reading of ORDINANCE NO. 1906 by title only. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Derby. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read ORDINANCE NO. 1906 in to the record by title only.

ITEM 8 C

Council member Riese introduced a resolution numbered and titled as follows: **RESOLUTION NO. 16-006: A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND WILES DEVELOPMENT, LLC, FOR CERTAIN REAL PROPERTY LOCATED AT 18003 CLUB VIEW DRIVE, PLATTSMOUTH, CASS COUNTY, NEBRASKA**

Motion by Riese, seconded by Porter to adopt RESOLUTION NO. 16-006:

RESOLUTION NO. 16-006

A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND WILES DEVELOPMENT, LLC, FOR CERTAIN REAL PROPERTY LOCATED AT 18003 CLUB VIEW DRIVE, PLATTSMOUTH, CASS COUNTY, NEBRASKA.

WHEREAS, City has negotiated a Development Agreement with Wiles Development, LLC (“Developer”), a copy of which is attached hereto, relating to certain real property located at 18004 Club View Drive, Plattsmouth, Cass County, Nebraska and legally described in the attached Development Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Development Agreement is approved and the Mayor is authorized to execute the same upon receipt of an original executed by the Developer.

BE IT FURTHER RESOLVED that this Resolution is contingent upon the City’s receipt of a Letter of Credit from Developer which complies with the terms of the Development Agreement.

BE IT FURTHER RESOLVED that the Development Agreement or a summary thereof shall be recorded in the real estate records of the Register of Deeds of Cass County, Nebraska.

PASSED AND APPROVED this ____ day of March 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Stephen Q. Preston read RESOLUTION NO. 16-006 in to the record by title only. ROLL CALL: Yes-Brookhouser, Dugan, Derby, Porter, Tilson, Kerns and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 D

City Administrator Ervin Portis recommended approval of the proposed Agreement. Motion by Kerns, seconded by Riese to approve an Agreement by and between the City of Plattsmouth and the Cass County Nebraska Economic Development Council (CCNEDC) for economic development services at an annual cost of \$15,000.00; and authorize the Mayor to execute the Agreement. Council Member Brookhouser asked what services we receive for the \$15,000.00 annual fee. City Administrator Portis stated that primarily the CCNEDC focuses on business expansion and development and that a needs assessment and economic development analysis were done. ROLL CALL: Yes-Derby, Porter, Dugan, Kerns, Riese, Brookhouser and Tilson. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Council member Kerns introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1908: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS APRIL 27, 2016; TO REPEAL ORDINANCE NO. 1901 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Kerns, seconded by Tilson that Ordinance No. 1908 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Kerns, Riese, Derby, Dugan, Porter and Brookhouser. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read Ordinance No. 1908 in to the record by title only.

ITEM 9 B

City Administrator Ervin Portis reviewed Main Street Façade/Life Safety Incentive Improvement Program Guidelines and Application for Community Development Block Grant (CDBG) Contract #14-DTR-101/City of Plattsmouth.

Council member Riese introduced a resolution numbered and titled as follows: **RESOLUTION NO. 16-005: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA TO APPROVE THE MAIN STREET FAÇADE / LIFE SAFETY INCENTIVE IMPROVEMENT PROGRAM GUIDELINES AND APPLICATION FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS UNDER CDBG CONTRACT # 14-DTR-101/CITY OF PLATTSMOUTH.**

Motion by Riese, seconded by Porter to adopt RESOLUTION NO. 16-005 by title only:

RESOLUTION NO. 16-005

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA TO APPROVE THE MAIN STREET FAÇADE / LIFE SAFETY INCENTIVE IMPROVEMENT PROGRAM GUIDELINES AND APPLICATION FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS UNDER CDBG CONTRACT # 14-DTR-101/CITY OF PLATTSMOUTH.

WHEREAS, Plattsouth and the Nebraska Department of Economic Development have executed CDBG Grant Contract #14-DTR-101 for use of CDBG funds;

WHEREAS, the grant project Special Conditions include City Council approval of program guidelines;

WHEREAS, the Mayor and City Council have reviewed the Main Street Façade / Life Safety Incentive Improvement Program Guidelines and Application for CDBG 14-DTR-101;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Plattsouth approve and adopt the City of Plattsouth Main Street Façade / Life Safety Incentive Improvement Program Guidelines and Application, and authorize submittal of the same to the Nebraska Department of Economic Development.

PASSED AND APPROVED this 21st Day of March, 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

In comparing the City of Plattsouth to other communities, other communities are approaching City Officials and inquiring as to what has worked to be successful in utilizing Community Development Block Grant Economic Development Funds for Downtown Revitalization in Plattsouth. Mayor Lambert stated that communication, working as a team and focusing on the same goal has made us very successful.

City Attorney Stephen Q. Preston read RESOLUTION NO. 16-005 in to the record by title only. Roll call: Yes-Kerns, Riese, Derby, Brookhouser, Tilson, Porter and Dugan. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Brookhouser, seconded by Tilson to approve a Nebraska Liquor Control Commission Manager Application submitted by Hy-Vee Gas, 2401 Oak Hill Road, Liquor License No. D-98002 for Robert A. Reif. ROLL CALL: Yes-Derby, Dugan, Riese, Tilson, Brookhouser, Kerns and Porter. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Derby, seconded by Porter to approve a Nebraska Liquor Control Commission Manager Application submitted by Hy-Vee Food Store, 16418 Westside Drive, Liquor License No. C-105078 for Robert A. Reif. ROLL CALL: Yes-Riese, Derby, Brookhouser, Porter, Dugan, Tilson and Kerns. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Brookhouser, seconded by Dugan to approve a Nebraska Liquor Control Commission Manager Application submitted by Hy-Vee Restaurant, 16418 Westside Drive, Liquor License No. IK-105079 for Robert A. Reif. ROLL CALL: Yes-Kerns, Dugan, Tilson, Derby, Porter, Riese and Brookhouser. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 12

7:45 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