

PLATTSMOUTH CITY COUNCIL

October 15, 2018

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 October 15, 2018 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Cheryl Grimshaw, Steve Riese, Sean Minahan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Stephen Q. Preston.

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on October 4, 2018 in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. The Open Meetings Act is posted on the bulletin board in the City Council chambers. A copy of the agenda and all documents to be discussed is available to the public. All proceedings hereafter shown were taken while the convened meeting was open to the public. We will follow the agenda that was made available to the public. Please silence cell phones.

ITEM 5-CITIZEN DELEGATION

No one spoke.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA

Motion by Brookhouser seconded by Grimshaw to approve the consent agenda as presented.

A Consider approval of the October 1, 2018 City Council Meeting Minutes

B Consider approval of claims

Pay Date: 10/12/18 119195.62

Com Ctr 9096.66

EMS 10984.61

General 16027.63

Library 7828.09

Parks and Cemetery 4897.08

Police 38579.11

Senior 2384.98

Street 13613.54

Water and Sewer 15783.92

Various

AMERITAS 15268.06

EYE MED VISION CARE 420.4
FRATERNAL ORDER OF POLICE 180
HARTFORD LIFE INSURANCE COMPANY 235.15
INTERNAL REVENUE SERVICE 25696.67
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16
NEBRASKA DEPARTMENT OF REVENUE 3788
PLATTSMOUTH COMMUNITY CENTER 2576.34
PLATTSMOUTH STATE BANK 222.32

Department : 01 - GENERAL ADMINISTRATION

CASS COUNTY REGISTER OF DEEDS 40
IDEAL PURE WATER 37.42
IRINA A HARRINGTON 75
KATHRYN SHARP 125
KEARNEY INVESTMENT CORP 278.85
KONICA MINOLTA BUSINESS SOLUTIONS 265.28
LEAGUE OF NEB MUNICIPALITIES 11887
MICROFILM IMAGING SYSTEMS 1039
NEBRASKA PUBLIC POWER DISTRICT 604.52
OFFICE DEPOT INC 51.33
OXEN TECHNOLOGY 2238.5
PETTY CASH CITY 200
SCHNEIDER AGENCY INC 76358
THE COLUMBUS TELEGRAM 808.1
TODD K HINTZE 12
WASTE CONNECTIONS OF NEBRASKA INC 59.19
WINDSTREAM 233.83

Department : 02 - HUMANE/CODE ENFORCEMENT

NEBRASKA PUBLIC POWER DISTRICT 63.64
PLATTSMOUTH ANIMAL HOSPITAL PC 60

Department : 03 - EMS

BOUND TREE MEDICAL LLC 124.53
IDEAL PURE WATER 54.49
KATHRYN SHARP 200
KONICA MINOLTA BUSINESS SOLUTIONS 14.29
NEBRASKA PUBLIC POWER DISTRICT 357.06
TODD K HINTZE 6.73
WALKERS INC 15.38
WASTE CONNECTIONS OF NEBRASKA INC 19.73
WINDSTREAM 181.46

Department : 04 - POLICE

ACCELERATED GRAPHX LLC 22.5
BARONI ENTERPRISES 54.83
CASS COUNTY REGISTER OF DEEDS 70
CASS COUNTY SHERIFF 7230
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 204.19
H & H SALES INC 600

KONICA MINOLTA BUSINESS SOLUTIONS 74.7
REID RICHTER 1235.41
THE COLUMBUS TELEGRAM 6.32
WINDSTREAM 331.7

Department : 05 - STREET
AGRIVISION EQUIPMENT GROUP LLC 725
AMERICAN AUTO GLASS 225
CINTAS CORPORATION #749 326.24
LYMAN RICHEY CORPORATION 1001.5
MULLENAX AUTO SUPPLY 451.97
NEBRASKA PUBLIC POWER DISTRICT 5790.04
OREILLY AUTOMOTIVE INC 5.72
VOGEL WEST INC 464.1
WASTE CONNECTIONS OF NEBRASKA INC 153.71
WINDSTREAM 94.51

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 648.86
CHARTER BUSINESS 65
DEMCO 164.46
KIRSTEN WOOD 158.7
KONICA MINOLTA BUSINESS SOLUTIONS 106.33
LIFEARTS INTEGRATED HEALTH CENTER PC 30
NEBRASKA PUBLIC POWER DISTRICT 557.31
OCLC ONLINE COMPUTER LIBRARY CENTER INC 161.51
OXEN TECHNOLOGY 2238.5
THE PENWORTHY CO 142.52
WASTE CONNECTIONS OF NEBRASKA INC 19.74
WINDSTREAM 153.18

Department : 07 - PARKS
AGRIVISION EQUIPMENT GROUP LLC 130.34
LYMAN RICHEY CORPORATION 2511.96
MICHAEL TODD & COMPANY INC 130.36
NEBRASKA PUBLIC POWER DISTRICT 272.48
UNITED RENTALS (NORTH AMERICA INC) 415.39
WASTE CONNECTIONS OF NEBRASKA INC 143.72

Department : 08 - CEMETERY
LINDER TIRE & AUTO INC 139.12
MULLENAX AUTO SUPPLY 129.15
WINDSTREAM 119.09

Department : 10 - FIRE
AMERICAN TEST CENTER 590
IDEAL PURE WATER 54.48
KATHRYN SHARP 200
KONICA MINOLTA BUSINESS SOLUTIONS 14.29
MULLENAX AUTO SUPPLY 107.91

NEBRASKA PUBLIC POWER DISTRICT 357.05
TODD K HINTZE 6.72
WALKERS INC 15.37
WASTE CONNECTIONS OF NEBRASKA INC 19.73
WINDSTREAM 181.46

Department : 11 - SENIOR CITIZEN CTR
CHARTER BUSINESS 140.9
NEBRASKA PUBLIC POWER DISTRICT 773.05
OFE OIL INC 407.5
THE THOMPSON COMPANY 4431.51

Department : 16 - ECONOMIC DEVELOPMENT
CASS COUNTY NEBRASKA ECONOMIC DEV 3750
PLATTSMOUTH CHAMBER OF COMMERCE 2200

Department : 17 - COMMUNITY CENTER
AQUA CHEM INC 250
CHARTER BUSINESS 422.7
KONICA MINOLTA BUSINESS SOLUTIONS 92.34
LIFEARTS INTEGRATED HEALTH CENTER PC 30
NEBRASKA PUBLIC POWER DISTRICT 6957.48
OFFICE DEPOT INC 65.7
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 44.74
STEPHEN C WARGA 60
WALKERS INC 31.8
WASTE CONNECTIONS OF NEBRASKA INC 132.89
WILES BROS INC 54.88

Department : 18 - AQUATIC
NEBRASKA PUBLIC POWER DISTRICT 202.11

Department : 20 - WATER
FRANK & KAREN PROHASKA 339.5
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 39.95
HD SUPPLY FACILITIES MAINTENANCE LTD 202.84
LINDER TIRE & AUTO INC 657.2
NEBRASKA PUBLIC POWER DISTRICT 1568.36
OMAHA DOOR & WINDOW COMPANY 151.25
ONE CALL CONCEPTS INC 34.66
PETTY CASH WATER DEPARTMENT 371.63
STEPHEN C WARGA 36
TRANSWOOD LOGISTICS INC 962.9
WINDSTREAM 173.99

Department : 24 - DRUG FORFEITURE
H & H SALES INC 2400

Department : 30 - SEWER
ECHO GROUP INC 38.17

HD SUPPLY FACILITIES MAINTENANCE LTD 126.96
NDEQ - FISCAL SERVICES 275
NEBRASKA RURAL WATER 511.6
NORTHWEST ELECTRIC LLC 986.39
ONE CALL CONCEPTS INC 34.67
OREILLY AUTOMOTIVE INC 19.99
WASTE CONNECTIONS OF NEBRASKA INC 56.1
WASTECORP PUMPS LLC 1282.75
WINDSTREAM 50.03

Department : 40 - PLATTSMOUTH KENO
NEBRASKA DEPARTMENT OF REVENUE CHARITABLE GAMING DIVISION 12238

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council member Kerns stated that he would be abstaining from any discussion or action on Items 8 A and 8 B due to a conflict of interest. Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed the Highway 75 Utility Relocation Project. Contractor's Application for Payment No. 1 reflects 35% done to October 12, 2018. Mr. Perry recommended approval of Application for Payment No. 1 submitted by Kerns Excavation Inc. for the Highway 75 Utility Relocations in the amount of \$203,158.70. Motion by Porter seconded by Wiemer to approve Contractor's Application for Payment No.1 submitted by Kerns Excavation Inc. for the Highway 75 Utility Relocations in the amount of \$203,158.70 and authorize the Mayor to execute Pay Application No.1. ROLL CALL: Yes-Grimshaw, Wiemer, Derby, Porter, Minahan, Brookhouser and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Kerns Excavating Inc. for the Highway 75 Utility Relocations for an increase of (+) \$9,286.00 to the contract price. Mr. Perry stated that the increase to the contract price reflects the additional 125 feet of 12 inch main to make the connection to Rural Water and recommended approval of Change Order No. 1. Motion by Grimshaw seconded by Porter to approve Change Order No. 1 submitted by Kerns Excavating Inc. for the Highway 75 Utility Relocations for an increase of (+) \$9,286.00 to the contract price and authorize the Mayor to execute Change Order No.1. Following discussion, ROLL CALL: Yes-Porter, Brookhouser, Grimshaw, Riese, Minahan, Wiemer and Derby. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 C

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed the Lincoln Avenue Drainage Improvements Project and stated that Contractor's Application for Payment No. 2 reflects 65% of the project complete and they are having discussion with the contractor regarding completion, as the project was set for substantial completion by 10/10/2018 and final completion by 10/15/2018 and those

deadlines were not met due to rain. Mr. Perry recommended approval of Application for Payment No. 2 submitted by Melvin Sudbeck Homes Inc. for the Lincoln Avenue Drainage Improvements in the amount of \$37,707.75. Motion by Riese seconded by Derby to approved Contractor's Application for Payment No.2 submitted by Melvin Sudbeck Homes Inc. for the Lincoln Avenue Drainage Improvements in the amount of \$37,707.75 and authorize the Mayor to execute Pay Application No.2. ROLL CALL: Yes-Derby, Minahan, Grimshaw, Kerns, Wiemer, Riese, Brookhouser and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Council member Brookhouser introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1942: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO REVISE CHAPTER 5, ARTICLE 12, SECTION 5-1205 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO REVIEW OF SIDEWALK CAFÉ APPLICATIONS; TO REVISE CHAPTER 5, ARTICLE 12, SECTION 5-1207 REGARDING RELATED TO DENIAL, REVOCATION, AND SUSPENSION OF A SIDEWALK CAFÉ PERMIT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Brookhouser seconded by Grimshaw to approve Third and Final Reading of ORDINANCE NO. 1942 by title only. ROLL CALL: Yes-Brookhouser, Riese, Derby, Porter, Minahan, Wiemer, Grimshaw and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1942 in to the record by title only.

ITEM 8 E

Council member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1943: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND ARTICLE IV, CHAPTER 4 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES OF 2011, TO ENACT SECTIONS 4-433 TO 4-440 RELATING TO THE USE OF UTILITY TYPE VEHICLES IN THE CITY; TO ENACT SECTIONS 4-441 TO 4-447 RELATING TO THE USE OF GOLF CAR VEHICLES IN THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Riese seconded by Wiemer to approve Second Reading of ORDINANCE NO. 1943 by title only. ROLL CALL: Yes-Minahan, Derby, Kerns, Brookhouser, Porter, Riese and Wiemer. No-Grimshaw. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1943 in to the record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Porter seconded by Riese to approve a request from Advanced Gaming Technology (AGT) to consent to AGT's requested alternative procedure and authorize the City Administrator to sign the letter of request on behalf of the City. Following discussion ROLL CALL: Yes-Derby, Wiemer, Minahan,

Riese, Grimshaw, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Pursuant to publication Mayor Lambert opened a public hearing at 7:22 p.m. to hear and consider public comments regarding a request by Jeff Henry for rezoning of property located at 648 First Avenue, Plattsmouth, legally described as Original Town Lots 7 to 9 except east 5'7" of south 40' Lot 8 and west 30' Lot 10 and west 3' of north 99 1/3' Lot 10, Block 36 from CBD (Central Business District) to GC (General Commercial). No one spoke in favor, opposition or of a neutral nature so Mayor Lambert closed the public hearing at 7:23 p.m.

ITEM 9 C

Council member Kerns introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1944: AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL PROPERTY LOCATED AT 648 FIRST AVENUE AND WITHIN THE ZONING JURISDICTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, FROM CENTRAL BUSINESS DISTRICT TO GENERAL COMMERCIAL; TO AMEND THE ZONING DISTRICT BOUNDARIES AND OFFICIAL ZONING MAP OF THE CITY OF PLATTSMOUTH; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Kerns seconded by Derby to approve First Reading of ORDINANCE NO. 1944 by title only. Following discussion ROLL CALL: Yes-Grimshaw, Minahan, Kerns, Derby, Porter, Wiemer, Riese and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1944 in to the record by title only.

ITEM 9 D

Motion by Riese seconded by Grimshaw to approve an Interlocal Cooperation Agreement by and between Cass County and the City of Plattsmouth to utilize the County's Information Services Department at the annual cost of \$59,056.00; and authorize the Mayor to execute the Agreement. The effective date of November 1, 2018 was verified. ROLL CALL: Yes-Wiemer, Riese, Brookhouser, Porter, Derby, Minahan, Grimshaw and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Riese seconded by Wiemer to authorize the City Treasurer to post pre-2009 water/sewer customer deposits as a credit to those customer accounts. ROLL CALL: Yes-Porter, Brookhouser, Riese, Wiemer, Kerns, Grimshaw, Minahan and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council members discussed a request for a donation of public funds to the Plattsmouth Community Foundation Endowment Challenge. Points that were discussed are: Plattsmouth Community

Foundation has donated \$42,900.00 over the past 12 years with 36% going back to City Programs/Departments; if the requested donation is approved leaves the door wide open for other non-profits to make similar requests; the KENO money is earmarked so if approved the funds would have to come from elsewhere; at budget time Department Heads have needs and wants for their department and many times they are told “NO” due to lack of funds; Concerns on the “Slippery Slope” this would create; Plattsmouth Community Foundation is very important but the Council must be good stewards of the City money.

Motion by Derby seconded by Porter to table the Plattsmouth Community Foundation’s request for a donation of public funds. Following further discussion Porter withdrew his second. Motion died for lack of a second.

Motion by Porter to deny the Plattsmouth Community Foundation’s request for a donation of public funds. Motion died for lack of a second.

Following further discussion, due to lack of a motion, Mayor Lambert moved on to the next agenda item.

ITEM 9 G

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he has a conflict of interest. Motion by Grimshaw seconded by Riese to accept the bid(s) for the Snow Removal/Hauling for the Public Works Department and award contract to Kerns Excavating Co. starting November 1, 2018 through May 1, 2019 in the City of Plattsmouth on an “AS NEEDED” basis. It was clarified that six (6) bid packets were mailed and only one (1) bid was received. ROLL CALL: Yes-Riese, Wiemer, Brookhouser, Porter, Derby, Minahan and Grimshaw. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED

ITEM 12

7:47 p.m. Motion by Porter seconded by Grimshaw to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk