

## PLATTSMOUTH CITY COUNCIL

June 3, 2019

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 3, 2019 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Wanda Wiemer, Steve Riese, Morgan Muller, Sean Minahan, Terry Kerns, Cheryl Grimshaw, Doug Derby and Jeanie Brookhouser. 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 May 23, 2019 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

Mayor Lambert introduced John Trecek, Ameritas Investments. The Mayor thanked him for the years of service to the city and congratulated him on his retirement. John introduced Bruce Leflers, Ameritas Investments and stated that he would be handling the city's bonding, funding and investment needs in the future.

### ITEM 6-CITIZEN DELEGATION

John Tanner, Administrator at Prestige Care Center of Plattsmouth introduced himself and stated they are the new owners of the Care Facility on South 18<sup>th</sup> Street. He indicated they would like to partner with the city whenever possible for the betterment of the community.

Greg Hughes spoke regarding Oak Hill Cemetery and presented a printed copy of his script.

### ITEM 7-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

### ITEM 8-CONSENT AGENDA

Motion by Grimshaw seconded by Brookhouser to approve the consent agenda with the amended claims list:

- A Consider approval of the May 20, 2019 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 6/3/19

Pay Date: 5/24/19 116259.44  
Com Ctr 8722.29  
EMS 11195.99  
General 16067.63  
Library 7768.52  
Parks and Cemetery 5774.72  
Police 38262.95  
Senior Center 2338.2  
Street 11162.95  
Water and Sewer 14966.19

Various

Vendor Name  
AMERITAS 14881.82  
AMERITAS LIFE INSURANCE CORP 155.02  
BLUE CROSS BLUE SHIELD 50006.51  
DELTA DENTAL PLAN 3002.02  
FRATERNAL ORDER OF POLICE 180  
INTERNAL REVENUE SERVICE 25178.76  
MUTUAL OF OMAHA 731.62  
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16  
NEBRASKA DEPARTMENT OF REVENUE 3750.75  
PLATTSMOUTH COMMUNITY CENTER 64.2  
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION

CHARTER BUSINESS 130  
DANA F COLE & COMPANY LLC 11650  
FIRST BANKCARD 17.12  
KATHRYN SHARP 125  
KONICA MINOLTA PREMIER FINANCE 221.16  
NEBRASKA WATER RESOURCES ASSOCIATION 105  
OFFICE DEPOT INC 144.77  
OMAHA WORLD HERALD 165.36  
THE PITNEY BOWES BANK INC 1005  
WASTE CONNECTIONS OF NEBRASKA INC 12035.45  
WELCH LAW FIRM LLC 6005.2  
WESTSIDE DEVELOPMENT INC 47859.17

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 11.98  
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 184.71

Department : 03 - EMS

BOUND TREE MEDICAL LLC 43.5  
FIRST BANKCARD 323.04  
FORT DEARBORN LIFE INSURANCE CO 92.88  
KATHRYN SHARP 200

KONICA MINOLTA PREMIER FINANCE 35.78  
ROLLINS INC 27.5  
STERICYCLE INC 247.22  
WALKERS INC 16.38

Department : 04 - POLICE  
ARROWHEAD SCIENTIFIC INC 334.48  
BOMGAARS SUPPLY 12.99  
CONTROLLED F O R C E INC 595  
EDWARD NOYES 300  
FIRST BANKCARD 69.95  
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 228.1  
JACKS UNIFORMS & EQUIPMENT 98.99  
KONICA MINOLTA PREMIER FINANCE 154.29  
L SCOT UPTAIN 1400  
PETTY CASH CITY 10

Department : 05 - STREET  
ALLIED OIL & TIRE CO 874.07  
BOMGAARS SUPPLY 895.34  
BOO INC DBA BOBCAT OF OMAHA 3850  
NEBRASKA IOWA SUPPLY CO INC 1444.86  
SCHRAM & SONS EXCAVATION CORP 857.66

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 1393.04  
EGAN SUPPLY CO 73.87  
FIRST BANKCARD 857.64  
KONICA MINOLTA PREMIER FINANCE 154.29  
NEBRASKA DEPARTMENT OF LABOR 120

Department : 07 - PARKS  
AGRIVISION EQUIPMENT GROUP LLC 72.12  
BOMGAARS SUPPLY 334.21  
BRYAN ROCK PRODUCTS 1856.3  
CHARTER BUSINESS 36.46  
LIFEARTS INTEGRATED HEALTH CENTER PC 80  
OREILLY AUTOMOTIVE INC 10.49

Department : 08 - CEMETERY  
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 48.45  
PANKONIN'S INC 46.74  
STEPHEN C WARGA 20

Department : 10 - FIRE  
DREW WAMPLER 73.57  
FELD FIRE 600  
FORT DEARBORN LIFE INSURANCE CO 154.8  
GREG CLIFTON 229.89  
KATHRYN SHARP 200

KEITH DOVENBARGER 73.59  
KONICA MINOLTA PREMIER FINANCE 35.78  
ROBERT BRYAN TAYLOR 82.58  
ROLLINS INC 27.5  
RON BRAZAU 75.95  
WALKERS INC 16.37

Department : 11 - SENIOR CITIZEN CTR  
CHARTER BUSINESS 143.55  
DEPARTMENT OF HEALTH AND HUMAN SERVICES 5.23  
HYVEE 147.68  
STRATUS BUILDING SOLUTION OF ARIZONA 219

Department : 12 - DEBT SERVICE  
PLATTSMOUTH STATE BANK 12472.5

Department : 17 - COMMUNITY CENTER  
AQUA CHEM INC 262.5  
BODY BASICS INC 138.03  
CHARTER BUSINESS 430.65  
FIRST BANKCARD 743.63  
KONICA MINOLTA PREMIER FINANCE 186.7  
LIFEARTS INTEGRATED HEALTH CENTER PC 30  
NEBRASKA DEPARTMENT OF LABOR 120  
OFFICE DEPOT INC 80.99  
PLATTSMOUTH EDUCATION FOUNDATION 100  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
WALKERS INC 80

Department : 18 - AQUATIC  
AQUA CHEM INC 1229.95  
BARONI ENTERPRISES 26  
BOMGAARS SUPPLY 129.74  
CHARTER BUSINESS 36.46  
CHESTERMAN CO 1064.47  
EGAN SUPPLY CO 1533.27  
FIRST BANKCARD 422.74  
PLATTSMOUTH EDUCATION FOUNDATION 100  
SHAW HARDWARE STORE 4.27

Department : 20 - WATER  
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA 9030  
BOMGAARS SUPPLY 600.21  
CORE & MAIN LP 395.65  
DANA F COLE & COMPANY LLC 4440  
DUGAN BUSINESS FORMS 1331.04  
LINCOLN WINWATER WORKS CO 300  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 24756.07  
NEBRASKA PUBLIC POWER DISTRICT 803.89  
OLMSTED & PERRY ENGINEERING 2905

READY MIX CONCRETE CO 3039.77  
RICHARD A COMI 200  
TYLER TECHNOLOGIES 540  
WELCH LAW FIRM LLC 2001.73

Department : 30 - SEWER  
BOMGAARS SUPPLY 1352.08  
DANA F COLE & COMPANY LLC 2960  
DUGAN BUSINESS FORMS 1106.32  
HD SUPPLY FACILITIES MAINTENANCE LTD 155.9  
MULLENAX AUTO SUPPLY 75.99  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 148191.89  
NEBRASKA PUBLIC POWER DISTRICT 591.28  
OFFICE DEPOT INC 5.24  
OLMSTED & PERRY ENGINEERING 2905  
OREILLY AUTOMOTIVE INC 53.42  
TYLER TECHNOLOGIES 540  
WELCH LAW FIRM LLC 2001.74

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

#### ITEM 9-UNFINISHED BUSINESS

##### ITEM 9 A

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he has a conflict of interest, Kerns Excavating Co. is a subcontractor to Building Crafts Inc., the contracted company.

Steve Perry, Olmsted & Perry consulting Engineers Inc. stated that Payment No. 2 submitted by Building Crafts Inc. reflects 70% of the maximum ceiling for the contract and includes emergency recovery, restoration and protective service tasks associated with working towards restoring sewage treatment at the Wastewater Treatment Plant. Mr. Perry recommended approval for payment. Motion by Muller seconded by Wiemer to approve Contractor's Application for Payment No. 2 submitted by Building Crafts Inc. for Emergency Recovery and Protection Services at the City's Wastewater Treatment Facility in accordance with their contract in the amount of \$205,435.10 and authorize the Mayor to execute Pay Application No 2. ROLL CALL: Yes-Brookhouser, Wiemer, Muller, Grimshaw, Minahan, Derby and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

Erv Portis, City Administrator and Steve Perry, City Engineer informed the Mayor and Council on the situation at each of the plants and the effects of the rising water. Wastewater Treatment Plant: Replaced the pumps at the raw sewage intake-no longer bypassing; due to the rising water the pumps were taken off-line and the temporary power equipment was pulled out (hopeful that Building Crafts will re-install in the next couple of days); DEQ has been very helpful-they want us to start sampling even though the samples will fail at this point; Clean-up from the rising water has caused additional expenses that have to be tracked; an Addendum to the Original Disaster Declaration was issued for the rising water. Water Treatment Plant: there is 5 feet of water over the road to the plant; it is still unknown who pays for the repair of the bank breach on the Platte River-there is no easy answer.

Day to day Perry and City staff are in contact (speak/meet). The next 30 days are unknown as far as water levels and projections

#### ITEM 9 B

Motion by Muller seconded by Wiemer to approve Invoice No. 02-19011-07 for \$2,012.82 , No. 02-19039-00 for \$8,428.57 No. 01-19041-00 for \$5,379.26 submitted by OLMSTED & PERRY CONSULTING ENGINEERS INC. for engineering services associated with Emergency Recovery and Protection Services at the City's Wastewater Treatment Facility and Water Treatment Facility in the total amount of \$15,820.65 and authorize payment. ROLL CALL: Yes-Riese, Derby, Kerns, Minahan, Brookhouser, Grimshaw, Muller and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 10 – NEW BUSINESS

##### ITEM 10 A

Pursuant to publication Mayor Lambert opened a public hearing at 7:34 p.m. to hear and consider public comments regarding an application by the City of Plattsmouth for a Planned Unit Development District 1 (PUD1) described as:

Tract 1: Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and fractional Lot Twelve (12), Block Eight (8), Original Town of Plattsmouth, Cass County, Nebraska.

Tract 2: Fractional Lots Seven (7) and Eight (8), Block Nine (9), lying Southwesterly of Washington Avenue, Original Town of Plattsmouth, Cass County, Nebraska.

Tract 3: All of Lot Six (6) and the North 60 feet of Lot Seven (7), Block Twenty-Two (22), Original Town of Plattsmouth, together with that portion of vacated alley adjoining on the South of Lot Six (6) and the North of Lot Seven (7) vacated at Ordinance No. 1115 recorded in Book 11, Page 50 of the Register of Deeds office of Plattsmouth County, Nebraska and All of Block Twenty-Three (23) except for the South 80 feet of Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), and Twelve (12), Original Town of Plattsmouth, Cass County, Nebraska, together with that portion of vacated alley adjoining the South of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7) and North of Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), vacated at Ordinance No. 1115 recorded in Book 11, Page 50 of the Register of Deeds office of Plattsmouth County, Nebraska.

Tract 4: Lot Two (2), Block Twenty-Two (22) being a Revision of Lots Four (4), Five (5), Eight (8) and Nine (9), Original Town of Plattsmouth, Cass County, Nebraska.

No one spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:35 p.m.

##### ITEM 10 B

Council Member Wiemer introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1957: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM URBAN RESIDENTIAL MEDIUM-DENSITY DISTRICT (R-2) TO URBAN RESIDENTIAL MEDIUM-DENSITY DISTRICT (R-2) SUBJECT TO PLANNED UNIT DEVELOPMENT 1 OVERLAY (PUD-1); TO AMEND THE

CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Erv Portis, City Administrator made reference to the RDG Report and that it speaks for itself. This is the next step in the project and recommends approval

Motion by Wiemer seconded by Grimshaw to approve first reading of ORDINANCE NO. 1957 by title only. ROLL CALL: Yes-Wiemer, Muller, Kerns, Derby, Riese, Minahan, Grimshaw and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1957 in to the record by title only.

#### ITEM 10 C

Motion by Brookhouser seconded by Kerns to approve a 2019 Application for Fireworks License submitted by Bellino Fireworks Inc.: fireworks being sold at 16418 Westside Drive, Plattsmouth starting at 12:01 a.m. on June 25, 2019 and ending at 11:59 p.m. on July 4, 2019. ROLL CALL: Yes-Brookhouser, Derby, Grimshaw, Kerns, Minahan, Muller, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 10 D

Motion by Muller seconded by Wiemer to approve a 2019 Application for Fireworks License submitted by John Masters: fireworks being sold at 1318 South 15<sup>th</sup> Street, Plattsmouth starting at 12:01 a.m. on June 25, 2019 and ending at 11:59 p.m. on July 4, 2019. Following discussion, ROLL CALL: Yes-Wiemer, Riese, Muller, Minahan, Kerns, Grimsahw, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 10 E

Motion by Grimshaw seconded by Brookhouser to approve a 2019 Application for Fireworks License submitted by Wild Willy's Fireworks, LLC: fireworks being sold at 16320 Westside Drive, Plattsmouth starting at 12:01 a.m. on June 25, 2019 and ending at 11:59 p.m. on July 4, 2019. ROLL CALL: Yes-Muller, Minahan, Derby, Brookhouser, Wiemer, Riese, Grimshaw and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 10 F

Motion by Brookhouser seconded by Grimshaw to approve a 2019 Application for Fireworks License submitted by Ka-Boomer's Ent., Inc.: fireworks being sold at 302 Fulton Avenue, Plattsmouth starting at 12:01 a.m. on June 25, 2019 and ending at 11:59 p.m. on July 4, 2019. ROLL CALL: Yes-Grimshaw, Wiemer, Brookhouser, Muller, Minahan, Kerns, Riese and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 10 G

Steven Q. Preston, City Attorney reviewed the timeline and was available to answer any questions. Motion by Kerns seconded by Brookhouser to receive a foreclosure Complaint filed by the United States

of America, acting through Rural Housing Service, in which the City is named as a nominal defendant due its interest in the subject property resulting from a 2011 Housing Rehabilitation Loan it made to the property owners and authorize the City Attorney to file an Answer. ROLL CALL: Yes-Derby, Minahan, Riese, Brookhouser, Kerns, Muller, Wiemer and Grimshaw. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 H

Motion by Grimshaw seconded by Wiemer to approve the appointment of Gary McKinney as a new member to the Plattsmouth Volunteer Fire Department and the addition of his name to the Plattsmouth Volunteer Fire Department Roster. ROLL CALL: Yes-Kerns, Grimshaw, Derby, Brookhouser, Minahan, Muller, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Mike Wilson, Chief of the Plattsmouth Volunteer Fire Department stated that there has been 121 calls for the year which is a 37 call increase from last year. The State Firefighter School was in May and Burlington Northern Santa Fe Railroad is having a training in Colorado and 3 members will be attending that. The Department was awarded the Eastern Nebraska Co-op-top Fire Prevention. Officer Heckman will be visiting each Fireworks location and providing brochures on Fire Prevention and Safety.

ITEM 13

8:10 p.m. Motion by Brookhouser seconded by Grimshaw to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk