

PLATTSMOUTH CITY COUNCIL

January 6, 2020

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 January 6, 2020 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Steve Riese, Morgan Muller, Sean Minahan, Terry Kerns and Jeanie Brookhouser. Council Members Absent: Doug Derby and Wanda Wiemer. 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 December 26, 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-CITIZEN DELEGATION

No one spoke at citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA

Motion by Brookhouser seconded by Riese to approve the consent agenda as presented:

- A Consider approval of the December 16, 2019 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 1/6/20

Pay Date: 12/20/19	118875.66
Com Ctr 7076.71	
EMS 11942.05	
General 15773.14	
Library 8055.05	
Parks and Cemetery 3607.84	
Police 40186.94	
Senior Center 2509.83	
Street 12334.79	
Water and Sewer 17389.31	
Pay Date: 1/3/20	122041.7
Com Ctr 5782.71	

EMS 12690.22
General 17189.99
Library 7212.5
Parks and Cemetery 3414.48
Police 43673.1
Senior Center 2131.97
Street 12658.01
Water and Sewer 17288.72

Various

Vendor Name

AMERICAN FAMILY LIFE 651.95
AMERITAS 33016.5
AMERITAS LIFE INSURANCE CORP 148.12
BLUE CROSS BLUE SHIELD 54481.15
DELTA DENTAL PLAN 3160.28
DIVISION OF CHILD SUPPORT SERVICES 800.28
FRATERNAL ORDER OF POLICE 360
HARTFORD LIFE INSURANCE COMPANY 202.85
INTERNAL REVENUE SERVICE 52125.11
MUTUAL OF OMAHA 774.04
NEBRASKA CHILD SUPPORT PAYMENT CENTER 392.32
NEBRASKA DEPARTMENT OF REVENUE 8003.89
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 12608.89
PLATTSMOUTH COMMUNITY CENTER 2313.66
PLATTSMOUTH STATE BANK 272.16

Department : 01 - GENERAL ADMINISTRATION

BOMGAARS SUPPLY 23.7
CHARTER BUSINESS 198.34
CLAY D LINCOLN 50
EGAN SUPPLY CO 48.33
FIRST BANKCARD 261.06
FIX IN A ZIP LLC 4447
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 25.5
KONICA MINOLTA PREMIER FINANCE 221.16
OFFICE DEPOT INC 25.01
OLMSTED & PERRY ENGINEERING 82.5
PETTY CASH CITY 6
PITNEY BOWES INC 39.48
SOFTCHOICE CORPORATION 1605
THE COLUMBUS TELEGRAM 1207.78
WELCH LAW FIRM LLC 6000

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 18.05
H & H SALES INC 186.24

Department : 03 - EMS
ACCELERATED GRAPHX LLC 300
ALADTEC INC 1865
BLACK HILLS ENERGY 95.99
BOUND TREE MEDICAL LLC 800.07
DANKO EMERGENCY EQUIPMENT 2911.7
FIRST BANKCARD 558.5
FORT DEARBORN LIFE INSURANCE CO 68.8
KONICA MINOLTA PREMIER FINANCE 35.78
LINDER TIRE & AUTO INC 1433.4
MATHESON TRI-GAS INC 119.68
METRO BILLING SERVICES LLP 1254
OVERHEAD DOOR COMPANY OF OMAHA 78.5
REBECCA L GRAF 89.36
STERICYCLE INC 259.42
STRYKER SALES CORPORATION 32474.04
TODD K HINTZE 12.93
WALKERS INC 32.76
YANT TESTING SUPPLY & EQUIPMENT 1546.02

Department : 04 - POLICE
ACCELERATED GRAPHX LLC 165.5
AMERICAN FUTURE SYSTEMS INC 254.95
BOMGAARS SUPPLY 21.98
CASS COUNTY SHERIFF 3615
DIGITAL ALLY INC 245
FERGUSON ENTERPRISES 275
FIRST BANKCARD 709
GALLS 52.98
GREAT PLAINS UNIFORMS 720.49
H & H SALES INC 2415.65
IMPACT MANUFACTURING 45.07
INTERNATIONAL ASSOCIATION FOR PROPERTY AND EVIDENCE INC 345
JOSHUA MEDEIROS 15.9
KONICA MINOLTA BUSINESS SOLUTIONS 16.19
KONICA MINOLTA PREMIER FINANCE 154.29
MID-STATES ORGANIZED CRIME INFO 150
POLICE CHIEFS ASSOC OF NEBRASKA 50
SID TOOL CO INC 719.78
WOODHOUSE FORD SOUTH INC 551.25

Department : 05 - STREET
AGRIVISION EQUIPMENT GROUP LLC 271.46
BOMGAARS SUPPLY 485.22
BOO INC DBA BOBCAT OF OMAHA 308.86
FASTENAL COMPANY 363.08
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 252.89
IMPACT MANUFACTURING 36.72
JESSICA FORBS 101.98
LINDER TIRE & AUTO INC 170

OFFICE DEPOT INC 213.2
SID TOOL CO INC 160.96

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 2221.37
FIRST BANKCARD 1154.66
KIRSTEN WOOD 59.92
KONICA MINOLTA PREMIER FINANCE 154.29
LYNNE CAMPBELL 79.9
OKEEFE ELEVATOR CO INC 194.83
SOFTCHOICE CORPORATION 299.99
STEPHEN C WARGA 36
WINDSTREAM 146.07

Department : 07 - PARKS
AGRIVISION EQUIPMENT GROUP LLC 1233.09
CHARTER BUSINESS 36.91
JUSTIN A MARSH 1725.17
PRUITT OUTDOOR POWER 173.5
THE COLUMBUS TELEGRAM 6.32

Department : 08 - CEMETERY
LINDER TIRE & AUTO INC 133.22
NEBRASKA PUBLIC POWER DISTRICT 64.88
OREILLY AUTOMOTIVE INC 125.88
WINDSTREAM 139.83

Department : 10 - FIRE
BLACK HILLS ENERGY 95.99
FIRST BANKCARD 9.26
FORT DEARBORN LIFE INSURANCE CO 172
KONICA MINOLTA PREMIER FINANCE 35.78
OVERHEAD DOOR COMPANY OF OMAHA 78.5
THE COLUMBUS TELEGRAM 7.58
TODD K HINTZE 12.93
WALKERS INC 32.74
YANT TESTING SUPPLY & EQUIPMENT 1546.03

Department : 11 - SENIOR CITIZEN CTR
CHARTER BUSINESS 143.26
HYVEE 214.5
OFFICE DEPOT INC 19.98
STRATUS BUILDING SOLUTION OF ARIZONA 219
THE THOMPSON COMPANY 2767.22
WALKERS INC 133

Department : 16 - ECONOMIC DEVELOPMENT
OLMSTED & PERRY ENGINEERING 517.04

Department : 17 - COMMUNITY CENTER

CHARTER BUSINESS 429.79
EGAN SUPPLY CO 410.08
FIRST BANKCARD 287.1
KONICA MINOLTA PREMIER FINANCE 186.7
OFFICE DEPOT INC 45.42
OKEEFE ELEVATOR CO INC 389.66
SEI SECURITY EQUIPMENT 468
STRATUS BUILDING SOLUTION OF ARIZONA 1870
THE WALDINGER CORPORATION 1563.66
WALKERS INC 120

Department : 18 - AQUATIC
CHARTER BUSINESS 36.91

Department : 20 - WATER
AMERICAN WATER WORKS ASSOC 204
BOMGAARS SUPPLY 229.24
BOUND TREE MEDICAL LLC 43
CORE & MAIN LP 2167.48
DPC INDUSTRIES INC 490
FIRST BANKCARD 116.75
MATHESON TRI-GAS INC 180.45
MISSISSIPPI LIME COMPANY 7624
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 308.28
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 385
NEBRASKA PUBLIC POWER DISTRICT 6433.84
NEBRASKA RURAL WATER 275
OLMSTED & PERRY ENGINEERING 8880.94
OXEN TECHNOLOGY 619.5
RGS REPAIR INC 799.58
SOFTCHOICE CORPORATION 226.48
TYLER TECHNOLOGIES 90
WELCH LAW FIRM LLC 2000

Department : 30 - SEWER
BLACK HILLS ENERGY 392.82
BOMGAARS SUPPLY 804.96
BOUND TREE MEDICAL LLC 43
CORE & MAIN LP 1783.39
CUMMINS CENTRAL INC 1401.5
JUSTIN A MARSH 524.16
MID IOWA SOLID WASTE EQUIPMENT 92.55
NEBRASKA PUBLIC POWER DISTRICT 1564.87
OLMSTED & PERRY ENGINEERING 4920.5
OMAHA DOOR & WINDOW COMPANY 487.75
OXEN TECHNOLOGY 619.5
RAILROAD MANAGEMENT COMPANY III LLC 696.73
SAVAGE PLUMBING INC 1500
TYLER TECHNOLOGIES 90
WELCH LAW FIRM LLC 2000

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Application for Payment No. 2 (Final Retainage) submitted by Omaha Electric Service Inc. 2019 Flood Recovery Project – Reconstruction of City Well No. 6 (PW#111072) in the amount of \$ 2,761.00. This is the final retainage and recommended approval contingent on receipt of closeout documents. Motion by Riese seconded by Muller to approve Application for Payment No. 2 (Final Retainage) submitted by Omaha Electric Service Inc. 2019 Flood Recovery Project – Reconstruction of City Well No. 6 (PW#111072) in the amount of \$ 2,761.00 and authorize the Mayor to execute Pay Application No. 2 contingent on receipt of closeout documents. ROLL CALL: Yes-Brookhouser, Riese, Kerns, Muller and Minahan. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

Council member Kerns stated that he would be abstaining from any discussion or action on ITEM 8 B and ITEM 8 C as he is President and Majority Shareholder of Kerns Excavating Co. which creates a conflict of interest.

ITEM 8 B

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 7 submitted by Kerns Excavating Inc. for the US Highway 75 Utility Relocations to extend the contract completion date to February 01, 2020. This request is due to flood recovery from the 2019 floods and approval was recommended. Motion by Brookhouser seconded by Riese to approve Change Order No. 7 submitted by Kerns Excavating Inc. for the US Highway 75 Utility Relocations to extend the contract completion date to February 01, 2020 and authorize the Mayor to execute Change Order No. 7. ROLL CALL: Yes-Muller, Brookhouser, Riese and Minahan. No-None. Absent-Derby and Wiemer. Abstain-Kerns. Mayor Lambert voted “Yes”, providing the additional vote required to create a majority of members elected to the council. MOTION CARRIED.

ITEM 8 C

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Kerns Excavating Co. Inc. for the 2019 Flood Recovery Project – Standby Generator Support Structures Project to extend the contract completion date to February 1, 2020. Erv Portis, City Administrator asked that the completion date be amended to February 13, 2020 as there was an error on the agenda that was in the packets. Again, this request is due to delays caused by the 2019 flooding and Mr. Perry recommended approval with the amended contract completion date of February 13, 2020. Motion by Muller seconded by Brookhouser to approve Change Order No. 1 submitted by Kerns Excavating Co. Inc. for the 2019 Flood Recovery Project – Standby Generator Support Structures Project to extend the contract completion date to February 13, 2020 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Minahan, Brookhouser, Riese and Muller. No-

None. Absent-Derby and Wiemer. Abstain-Kerns. Mayor Lambert voted “Yes”, providing the additional vote required to create a majority of members elected to the council. MOTION CARRIED.

ITEM 8 D

Erv Portis, City Administrator and Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. gave a presentation on the erosion from the flood and placing barriers at the Water Plant, Wastewater Treatment Plant and Wells 6 and 8. The estimated cost is \$240,000.00 for materials for all sites. The labor would be done with City Staff.

Motion by Riese seconded by Muller to authorize the purchase of Flood Protection Barriers for the Wastewater Treatment Plant using the State of Iowa Contract. ROLL CALL: Yes-Brookhouser, Kerns, Minahan, Muller and Riese. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 E

Motion by Brookhouser seconded by Kerns to approve the Certification of Compliance of Maintenance Agreement No. 21 QE 1125 Supp 1 between the Nebraska Department of Transportation and the Municipality of Plattsmouth for Calendar Year 2019 and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Riese, Muller, Minahan, Kerns and Brookhouser. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Pursuant to publication Mayor Lambert opened a public hearing at 7:40 p.m. to receive public input on final project status concerning the use of Community Development Block Grant (CDBG) 09-DTR-101 funds. No one spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:42 p.m.

ITEM 9 B

Pursuant to publication, Mayor Lambert opened a public hearing at 7:43 p.m. to receive public input on the Intention to consider levying a special assessment against each of the real estate parcels listed in Resolution No. 20-001 in the amount set opposite to such parcel. Each of the parcels have outstanding bills against them for nuisance abatement conducted by the City in accordance with the Plattsmouth Municipal Code. Captain Ryan Crick of the Plattsmouth Police Department presented an exhibit to the City Clerk to show cause for the levying of special assessments. No one else spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:44 p.m.

ITEM 9 C

Erv Portis, City Administrator informed Council there are three properties: 211 N. 15th St.; 805 Main St.; and 1305 17th Ave. that we received payment on and are to be removed from the listing. Motion by Muller seconded by Brookhouser to adopt RESOLUTION

NO. 20-001: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, LEVYING THE COST AND EXPENSE OF NUISANCE ABATEMENT WORK AS A SPECIAL ASSESSMENT ON THE REAL ESTATE PARCELS LISTED ON THE CITY'S "SUMMARY ABATEMENT OF NUISANCES WORK REPORT – THROUGH OCTOBER 31, 2019" INCLUDED AS ATTACHMENT "A" TO THIS RESOLUTION with amendments to Attachment A excluding 211 N. 15th St., 805 Main St. and 1305 17th Avenue by title only. Erv Portis, City Administrator read RESOLUTION NO. 20-001 in to the record by title only. ROLL CALL: Yes-Muller, Brookhouser, Riese, Minahan and Kerns. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 D

Council member Riese introduced an ordinance numbered and titled as follows:

ORDINANCE NO. 1966: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-507 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO PERMITS TO OCCUPY THE CITY'S RIGHTS-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese seconded by Kerns to approve first reading of **ORDINANCE NO. 1966: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-507 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO PERMITS TO OCCUPY THE CITY'S RIGHTS-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE** by title only. ROLL CALL: Yes-Kerns, Riese, Minahan, Brookhouser and Muller. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED. City Administrator, Ervin Portis read ORDINANCE NO. 1966 in to the record by title only.

ITEM 9 E

Council member Brookhouser introduced an ordinance numbered and titled as follows:

ORDINANCE NO. 1967: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 6, SECTIONS 6-601 THROUGH 6-607 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Brookhouser seconded by Riese to approve first reading of **ORDINANCE NO. 1967: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 6, SECTIONS 6-601 THROUGH 6-607 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND**

TO PROVIDE AN EFFECTIVE DATE by title only. ROLL CALL: Yes-Brookhouser, Muller, Riese, Kerns and Minahan. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED. City Administrator, Ervin Portis read ORDINANCE NO. 1967 in to the record by title only.

ITEM 9 F

Council member Minahan asked that the question be separated and the reappointment of Angie Minahan to the Plattsburgh Planning Commission be considered separate as he has a conflict of interest and would not be discussing or voting on her reappointment.

Motion by Minahan seconded by Kerns to separate the question and consider the reappointment of Angie Minahan to the Plattsburgh Planning Commission as a separate item. ROLL CALL: Yes-Minahan, Kerns, Muller, Brookhouser and Riese. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

Motion by Brookhouser seconded by Riese to approve the reappointment of the following members of the Plattsburgh Planning Commission: Jeff Kindig, Rich McKinley, DeWayne Prince, Robert Rice, Heather Herlick, Mike Bowman, Mary Harding and Michael Vaughn. ROLL CALL: Yes-Brookhouser, Kerns, Minahan, Muller and Riese. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

Motion by Kerns seconded by Muller to approve the reappointment of Angie Minahan to the Plattsburgh Planning Commission. ROLL CALL: Yes-Riese, Muller, Kerns and Brookhouser. No-None. Absent-Derby and Wiemer. Abstain-Minahan. Mayor Lambert voted “Yes”, providing the additional vote required to create a majority of members elected to the council. MOTION CARRIED.

ITEM 9 G

Motion Brookhouser seconded by Riese to receive with regrets Cheryl Grimshaw’s letter of resignation as a member of the Plattsburgh City Council-Ward 2 effective December 31, 2019. ROLL CALL: Yes-Brookhouser, Riese, Kerns, Muller and Minahan. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Kerns seconded by Riese to approve the appointment of Gary Hellwig to the Plattsburgh Airport Authority to fill a vacancy. ROLL CALL: Yes-Muller, Minahan, Brookhouser, Kerns and Riese. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Riese seconded by Muller to approve the appointment of Ransom Cole to the Plattsburgh Airport Authority to fill a vacancy. ROLL CALL: Yes-Riese, Minahan, Kerns, Brookhouser and Muller. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 J

Motion by Brookhouser seconded by Riese to approve the appointment of Anna Ostrand as a new member of the Plattsmouth Emergency Medical Services Department and the addition of her name to the roster. ROLL CALL: Yes-Brookhouser, Kerns, Minahan, Muller and Riese. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 K

Mike Wilson, Chief of the Plattsmouth Volunteer Fire Department reviewed the 2019 Year End Report for the Department. Chief Wilson introduced his officers for 2020.

ITEM 9 L

Motion by Brookhouser seconded by Riese to approve the Plattsmouth Volunteer Fire Department Membership roster. ROLL CALL: Yes-Riese, Muller, Minahan, Kerns and Brookhouser. No-None. Absent-Derby and Wiemer. Abstain-None. MOTION CARRIED.

ITEM 12

8:21 p.m. Motion by Brookhouser seconded by Riese to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk