

PLATTSMOUTH CITY COUNCIL

June 1, 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 June 1, 2020 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert-On Site and Council Members: Wanda Wiemer-Virtual via ZOOM Meeting, Steve Riese-On Site, Morgan Muller-On Site, Sean Minahan-On Site, Terry Kerns-On Site, Bryan Clark-On Site, Doug Derby-Telephonic and Jeanie Brookhouser-On Site. Council Members Absent: None. Also present: City Administrator Ervin Portis-On Site, City Clerk Sandra J. Meyer-On Site and City Attorney Stephen Q. Preston-Virtual via ZOOM Meeting. A recording of the ZOOM Meeting was made.

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on May 21, 2020 and May 28, 2020 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-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 6-CONSENT AGENDA

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

- A Consider approval of the May 26, 2020 Special City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 6/1/20

Pay Date: 5/22/20 121219.95

Com Ctr 3354.1
EMS 15839.33
General 16223.19
Library 7312.71
Parks and Cemetery 9493.75
Police 39393.2
Senior Center 2536.67
Street 11321.81
Water and Sewer 15745.19

Various

Vendor Name

AMERITAS 15206.71
AMERITAS LIFE INSURANCE CORP 148.12
BLUE CROSS BLUE SHIELD 51894.95
COLLECTION SERVICES CENTER 208.8
DELTA DENTAL PLAN 2815.88
DIVISION OF CHILD SUPPORT SERVICES 400.14
DOUGLAS COUNTY COURT NE 104.26
FRATERNAL ORDER OF POLICE 180
INTERNAL REVENUE SERVICE 25971.85
MUTUAL OF OMAHA 772.89
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16
NEBRASKA DEPARTMENT OF REVENUE 4117.79
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION

CHARTER BUSINESS 130
EGAN SUPPLY CO 504.08
FIRST BANKCARD 40.57
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 31.88
KONICA MINOLTA PREMIER FINANCE 221.16
OFFICE DEPOT INC 131.99
OLMSTED & PERRY ENGINEERING 1519.76
PITNEY BOWES INC 515.61
RDG SCHUTTE WILSCAM BIRGE INC 710
RICHARD A COMI 1075
THE PITNEY BOWES BANK INC 31.23

Department : 02 - HUMANE/CODE ENFORCEMENT

FIRST BANKCARD 49.48

Department : 03 - EMS

BOUND TREE MEDICAL LLC 1101.82
FORT DEARBORN LIFE INSURANCE CO 55.04
KONICA MINOLTA PREMIER FINANCE 35.78
WALKERS INC 16.38
WOODHOUSE FORD SOUTH INC 19430.99

Department : 04 - POLICE

BOMGAARS SUPPLY 3.98
CASS COUNTY SHERIFF 3615
DIGITAL ALLY INC 245
FIRST BANKCARD 373.01
GSK LLC 403.5
H & H SALES INC 223.16
J P COOKE COMPANY 63.5

KONICA MINOLTA BUSINESS SOLUTIONS 15.4
KONICA MINOLTA PREMIER FINANCE 154.29
MARLIN R FERGUSON 375
NEBRASKA LAW ENFORCEMENT TRAINING CENTER 63.51

Department : 05 - STREET

AGRIVISION EQUIPMENT GROUP LLC 46.11
AMERICAN UNDERGROUND SUPPLY LLC 88.05
BOMGAARS SUPPLY 77.93
CINTAS CORPORATION #749 249.52
FIRST BANKCARD 49
INDEPENDENT AUTO REPAIR 110.55
JOE MCDERMOTT ASSOCIATES 4916.99
OLMSTED & PERRY ENGINEERING 2008.73
PLATTSMOUTH STATE BANK 4197.16

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 796.97
FIRST BANKCARD 475.74
KIRSTEN WOOD 35
KONICA MINOLTA PREMIER FINANCE 154.29
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES 1500

Department : 07 - PARKS

CHARTER BUSINESS 38.83
MENARDS 73.96
OFFICE DEPOT INC 5.38

Department : 08 - CEMETERY

NEBRASKA PUBLIC POWER DISTRICT 41.82

Department : 10 - FIRE

FORT DEARBORN LIFE INSURANCE CO 154.8
KONICA MINOLTA PREMIER FINANCE 35.78
WALKERS INC 16.37

Department : 11 - SENIOR CITIZEN CTR

CHARTER BUSINESS 150.46
HYVEE 221.98
REINHART FOODSERVICE LLC 1422.4
WALKERS INC 116.2

Department : 16 - ECONOMIC DEVELOPMENT

OLMSTED & PERRY ENGINEERING 985.3

Department : 17 - COMMUNITY CENTER

BOMGAARS SUPPLY 32.56
CHARTER BUSINESS 451.39

FIRST BANKCARD 23.52
KONICA MINOLTA PREMIER FINANCE 186.7

Department : 18 - AQUATIC
CHARTER BUSINESS 38.83
FASTENAL COMPANY 28

Department : 20 - WATER
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA 4564
BIG RED COMMUNICATIONS 127
CORE & MAIN LP 1530
FIRST BANKCARD 101.64
IMPACT MANUFACTURING 387.5
MUNICIPAL AUTOMATION & CONTROL 5846.48
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 30840.1
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 369
NEBRASKA PUBLIC POWER DISTRICT 5172.63
OLMSTED & PERRY ENGINEERING 5507.4
SHERWIN WILLIAMS 79.29
TYLER TECHNOLOGIES 90

Department : 30 - SEWER
BIG RED COMMUNICATIONS 127
CORE & MAIN LP 312
MUNICIPAL AUTOMATION & CONTROL 162.84
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 135053.05
NEBRASKA PUBLIC POWER DISTRICT 1139.06
OFFICE DEPOT INC 125.12
OLMSTED & PERRY ENGINEERING 30561.22
RAILROAD MANAGEMENT COMPANY III LLC 258.95
TYLER TECHNOLOGIES 90

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

ITEM 7-UNFINISHED BUSINESS

ITEM 7 A

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc., joining the meeting via ZOOM Meetings, reviewed Contractor's Application for Payment No.3 submitted by Building Crafts Inc. for the 2019 Flood Recovery Waste Water Treatment Plant Repair Project (PW#88688) in the of amount of \$158,106.60. Pay Application No. 3 is a progress payment and reflects 36% completion of their contract and Mr. Perry recommended approval. Motion by Brookhouser seconded by Riese to approve Contractor's Application for Payment No.3 submitted by Building Crafts Inc. for the 2019 Flood Recovery Waste Water Treatment Plant Repair Project (PW#88688) in the amount of \$158,106.60 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Kerns, Muller, Wiemer,

Derby, Minahan, Clark, Brookhouser and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 B

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc., joining the meeting via ZOOM Meetings, reviewed the request for authorization to solicit bids for the 2019 Flood Recovery Project (PW#88688) – Sanitary Sewer CCTV Inspection. The estimate of probable project cost is \$30,000.00 with a bid date for June 15, 2020 and recommended authorization to solicit bids. Motion by Riese seconded by Clark to authorize the solicitation of bids for the 2019 Flood Recovery Project (PW#88688) – Sanitary Sewer CCTV Inspection. Erv Portis, City Administrator stated that some CCTV Inspections may not be FEMA eligible. ROLL CALL: Yes-Brookhouser, Derby, Riese, Wiemer, Clark, Muller, Minahan and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 C

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc., joining the meeting via ZOOM Meetings, reviewed two repair options for the extensive damage/severe erosion that was done at the Boat Ramp, Park and E. Main Street/Dock Road due to the Flood of March 2019. Option 1-provide access to the boat ramp, provide stone rip-rap to protect the boat launch area from high river water levels and provide a limited area for boat trailer staging and vehicle parking with a preliminary cost estimate of \$380,480.00; and Option 2-provide a gated access to the boat ramp for restricted use and provide stone rip-rap to protect the boat launch area from high river water levels with a preliminary cost estimate of \$216,050.00. Following further discussion on public access versus restricted access and the minimum cost to make the area accessible to the public, Mr. Perry was asked to prepare a cost estimate to make the area accessible to the public at a minimal cost. Motion by Muller seconded by Riese to receive a Report from the City Engineer regarding the Boat Ramp, Park and Dock Road Repair Options. ROLL CALL: Yes-Wiemer, Brookhouser, Riese, Derby, Muller, Clark, Kerns and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 D

Erv Portis, City Administrator reviewed the COVID-19 insurance requirements for youth baseball and softball organizations set forth in Resolution No. 20-007. It has been brought to our attention that the baseball/softball organizations cannot get the required coverage as the insurance industry is still defining what that coverage would be. Portis gave three options to consider: 1-hold firm on current requirements; 2-amend/relax COVID-19 coverage requirements; and 3-accept general liability coverage limits within policy. Steve Preston, City Attorney stated that the insurance requirement is one risk management strategy and there are other layers in place. After further discussion, an amendment changing the insurance requirement to be “ensure that such policies do not exclude coverage for claims related to COVID-19, novel coronavirus, and related issues”, amend Exhibit E to the license agreement and number the amended resolution 20-007A. Motion by Brookhouser seconded by Muller to approve an amendment to RESOLUTION NO. 20-007, amending the insurance provision (ensure that such policies do not exclude coverage for claims related to COVID-19, novel coronavirus, and related issues) and Exhibit E to the License Agreement (numbering the amended resolution RESOLUTION NO. 20-

007A). ROLL CALL: Yes-Minahan, Muller, Riese, Wiemer, Kerns, Clark, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 – NEW BUSINESS

ITEM 8 A

Pursuant to publication, Mayor Lambert opened a public hearing at 7:56 p.m. Mark Faulkner, President and CEO of Vireo Resources, LLC spoke via ZOOM Meetings. He thanked the council for their consideration and expressed his appreciation. The relationship has been mutually beneficial and with this expansion, Vireo is expecting to invest \$15 million over the next two years and expects to have 40 employees on the payroll by the end of this year. When the project is complete, in 3-5 years, they will add 150-200 new jobs. No one else spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 8:05 p.m.

ITEM 8 B

Motion by Kerns seconded by Brookhouser to adopt RESOLUTION NO. 20-008 by title only:

RESOLUTION NO. 20-008

A RESOLUTION TO APPROVE THE PRELIMINARY PLAT AND THE FINAL PLAT OF A MAJOR SUBDIVISION OF PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF WILES ROAD AND MYNARD LANE IN FOURMILE INDUSTRIAL PARK, LEGALLY DESCRIBED AS FOURMILE INDUSTRIAL SITE-REPLAT IV (LOTS 1 &2), BEING A PLATTING OF LOT 3, FOURMILE INDUSTRIAL SITE-REPLAT III, LOCATED IN THE W1/2 OF THE NE1/4 OF SECTION 26, T12N, R13E OF THE 6TH P.M., CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA

Erv Portis, City Administrator read RESOLUTION NO. 20-008 in to the record by title only.
ROLL CALL: Yes-Wiemer, Riese, Muller, Minahan, Kerns, Clark, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED

ITEM 8 C

Erv Portis, City Administrator stated that the \$55,000.00 is for the land and that is the value of the land.

Motion by Brookhouser seconded by Riese to adopt RESOLUTION NO. 20-009 by title only:

RESOLUTION NO. 20-009

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA, TO AUTHORIZE THE USE OF UP TO \$55,000.00 OF THE CITY'S LB840 FUNDS TO PROVIDE A FORGIVABLE LOAN TO VIREO RESOURCES, LLC TO FACILITATE THE SALE OF APPROXIMATELY 6.62ACRES OF

REAL PROPERTY CONSISTING OF TWO ADJOINING IN THE FOURMILE INDUSTRIAL SITE FROM THE CITY TO VIREO RESOURCES, LLC; TO APPROVE AN ECONOMIC DEVELOPMENT GRANT AND FORGIVABLE LOAN AGREEMENT, PROMISSORY NOTE, AND DEED OF TRUST RELATING TO SUCH LOAN; TO AUTHORIZE THE MAYOR TO SIGN SAID DOCUMENTS AND SUCH OTHER DOCUMENTS AS MAY BE NEEDED TO EFFECT THIS RESOLUTION

Following discussion, Erv Portis, City Administrator read RESOLUITON NO. 20-009 in to the record by title only. ROLL CALL: Yes-Derby, Clark, Brookhouser, Riese, Minahan, Wiemer, Kerns and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Council member Muller introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1970: AN ORDINANCE TO DIRECT THE CONVEYANCE OF APPROXIMATELY 6.62 ACRES OF REAL PROPERTY CONSISTING OF TWO ADJOINING PARCELS LOCATED IN THE FOURMILE INDUSTRIAL SITE FROM THE CITY OF PLATTSMOUTH TO VIREO RESOURCES, LLC; TO ESTABLISH THE PURCHASE PRICE OF \$55,000.00 FOR SUCH REAL PROPERTY AND THE MANNER AND OTHER TERMS OF SUCH CONVEYANCE; TO PROVIDE FOR PUBLICATION OF NOTICE OF SUCH CONVEYANCE; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Muller seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that ORDINANCE NO. 1970 be adopted on first reading by title only. ROLL CALL: Yes-Brookhouser, Derby, Clark, Kerns, Minahan, Muller, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1970 in to the record by title only. Motion by Muller seconded by Brookhouser to approve final passage of ORDINANCE NO. 1970 by title only. ROLL CALL: Yes-Muller, Wiemer, Derby, Brookhouser, Kerns, Clark, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1970 in to the record by title only.

Jennifer Serkiz, Executive Director of the Cass County Nebraska Economic Development Council was recognized for her work on this project.

ITEM 8 E

Motion by Brookhouser seconded by Minahan to approve the 2020 Application for Fireworks License submitted by John Masters: fireworks being sold at 1318 South 15th Street, Plattsmouth starting at 12:01 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 4, 2020 subject to the condition that Applicant strictly complies with all directed health measures and other applicable COVID-19 related health guidelines and that the City may revoke Applicant's permit to sell fireworks if Applicant fails to comply with such measures and guidelines. ROLL CALL: Yes-Wiemer, Muller, Kerns, Derby, Riese, Minahan, Clark and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Motion by Riese seconded by Brookhouser to approve the 2020 Application for Fireworks License submitted by Wild Willy's Fireworks, LLC: fireworks being sold at 2405 Oak Hills Drive, Plattsmouth starting at 12:01 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 4, 2020 subject to the condition that Applicant strictly complies with all directed health measures and other applicable COVID-19 related health guidelines and that the City may revoke Applicant's permit to sell fireworks if Applicant fails to comply with such measures and guidelines. ROLL CALL: Yes-Brookhouser, Clark, Minahan, Riese, Derby, Kerns, Muller and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 G

Motion by Muller seconded by Brookhouser to approve the 2020 Application for Fireworks License submitted by Wild Willy's Fireworks, LLC: fireworks being sold at 16320 Westside Dr., Plattsmouth starting at 12:01 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 4, 2020 subject to the condition that Applicant strictly complies with all directed health measures and other applicable COVID-19 related health guidelines and that the City may revoke Applicant's permit to sell fireworks if Applicant fails to comply with such measures and guidelines. ROLL CALL: Yes-Kerns, Muller, Wiemer, Brookhouser, Minahan, Riese, Derby and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 H

Motion by Brookhouser seconded by Riese to approve the 2020 Application for Fireworks License submitted by Ka-Boomer's Ent., Inc.: fireworks being sold at 211 South 23rd Street, Plattsmouth starting at 12:01 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 4, 2020 subject to the condition that Applicant strictly complies with all directed health measures and other applicable COVID-19 related health guidelines and that the City may revoke Applicant's permit to sell fireworks if Applicant fails to comply with such measures and guidelines. ROLL CALL: Yes-Clark, Riese, Brookhouser, Derby, Wiemer, Minahan, Muller and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 I

Motion by Brookhouser seconded by Riese to approve the 2020 Application for Fireworks License submitted by Bellino Fireworks, Inc.: fireworks being sold at 16418 Westside Dr, Plattsmouth starting at 12:01 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 4, 2020 subject to the condition that Applicant strictly complies with all directed health measures and other applicable COVID-19 related health guidelines and that the City may revoke Applicant's permit to sell fireworks if Applicant fails to comply with such measures and guidelines. ROLL CALL: Yes-Muller, Derby, Kerns, Brookhouser, Clark, Wiemer, Riese and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 J

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

ITEM 8 K

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

ITEM 8 L

Elizabeth Glup, Director of the Plattsmouth Community Center joined the meeting via ZOOM Meetings and reviewed the proposed Phase 1-Temporary Hours of Operation; listed the areas and activities that will be unavailable at this time; and the facility will be available to Members Only and their children 15 years and older. The proposed date to open is June 15, 2020. The limited member accessibility to the facility was discussed. The council was made aware there is a waiver within the Membership Agreement for this type of situation but would have Steve Preston, City Attorney draw up an addendum to the waiver that identifies the COVID-19 risks. Motion by Brookhouser seconded by Riese to approve the Plattsmouth Community Center Phase 1 Reopening Plan as presented with an opening date of June 15, 2020 and the addendum to the waiver within the Membership Agreement. ROLL CALL: Yes-Derby, Minahan, Wiemer, Riese, Clark, Brookhouser, Kerns and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11

8:46 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