

PLATTSMOUTH CITY COUNCIL

August 17, 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 August 17, 2020 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, Bryan Clark, Doug Derby and Jeanie Brookhouser. Council Members Absent: None. Also present: City Administrator, Ervin Portis via ZOOM Meetings, City Inspector Kevin Larson 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 August 6, 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-CITIZEN DELEGATION

Shane Jensen, 17375 5th Avenue-spoke regarding Dock Road and access to the Plattsmouth Boat Club.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he is president and majority shareholder of Kerns Excavating Company. Motion by Brookhouser seconded by Wiemer to approve the consent agenda as presented:

- A Consider approval of the August 3, 2020 City Council Meeting Minutes
- B Consider setting the next regular City Council meeting for Tuesday, September 8, 2020 due to the Labor Day Holiday
- C Receive Treasurer's Report
- D Consider approval of claims

Claims Register Report as of 8/17/20

Pay Date: 8/14/20 113400.04

Com Ctr 4214.35

EMS 14979.56
General 16997.99
Library 7753.28
Parks and Cemetery 6958.53
Police 39198.4
Senior Center 2265.53
Street 10187.61
Water and Sewer 10844.79

Various

Vendor Name

AMERICAN FAMILY LIFE 542.1
AMERITAS 14650.83
COLLECTION SERVICES CENTER 208.8
DOUGLAS COUNTY COURT NE 104.26
EYE MED VISION CARE 390.07
FRATERNAL ORDER OF POLICE 180
HARTFORD LIFE INSURANCE COMPANY 202.85
INTERNAL REVENUE SERVICE 24336.92
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16
NEBRASKA DEPARTMENT OF REVENUE 3805.88
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 11254.28
PLATTSMOUTH COMMUNITY CENTER 1897.42
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 20.11
CHARTER BUSINESS 68.3
FIRE GUARD INC 58.4
FIRST BANKCARD 10.99
IDEAL PURE WATER 27.1
IRINA A HARRINGTON 75
KATHRYN SHARP 125
LEE ENTERPRISES 519.74
MICROFILM IMAGING SYSTEMS 75
NEBRASKA PUBLIC POWER DISTRICT 722.34
OFFICE DEPOT INC 152.25
SHELL FLEET PLUS 32.37
STERICYCLE SHRED IT 55.72
THE PITNEY BOWES BANK INC 2015
VERIZON WIRELESS 87.88
WASTE CONNECTIONS OF NEBRASKA INC 75.68
WINDSTREAM 254.54

Department : 02 - HUMANE/CODE ENFORCEMENT

NEBRASKA PUBLIC POWER DISTRICT 73.02
SHELL FLEET PLUS 61.11
VERIZON WIRELESS 40.01

Department : 03 - EMS
BOUND TREE MEDICAL LLC 1719.52
CHARTER BUSINESS 16.6
CUMMINS CENTRAL INC 318.7
FIRE GUARD INC 261.91
IDEAL PURE WATER 16.87
MATHESON TRI-GAS INC 129.97
NEBRASKA PUBLIC POWER DISTRICT 312.14
SHELL FLEET PLUS 557.32
VERIZON WIRELESS 172.03
WALKERS INC 16.38
WASTE CONNECTIONS OF NEBRASKA INC 22.91
WINDSTREAM 180.16

Department : 04 - POLICE
AUDREY WILSON 65.55
CASS COUNTY REGISTER OF DEEDS 30
CONSOLIDATED MANAGEMENT CO 190.78
DISCOVERY BENEFITS INC 25
FIRST BANKCARD 89.94
H & H SALES INC 29.95
JACKS UNIFORMS & EQUIPMENT 134.84
MICHAEL D BRIGHT 930
SHELL FLEET PLUS 1424.17
TRACEY HAMOE APRN LLC 200
TRI TECH FORENSICS INC 48.35
VERIZON WIRELESS 194.15

Department : 05 - STREET
AGRIVISION EQUIPMENT GROUP LLC 199.56
BLACK HILLS ENERGY 30.43
BOO INC DBA BOBCAT OF OMAHA 67.98
FIRE GUARD INC 24.75
LEE ENTERPRISES 116.14
MENARDS 34.99
MULLENAX AUTO SUPPLY 215.75
NEBRASKA AIR FILTER INC 38.16
NEBRASKA PUBLIC POWER DISTRICT 5623.98
PLATTSMOUTH STATE BANK 25846.25
READY MIX CONCRETE CO 467.52
SHELL FLEET PLUS 410.58
STEPHEN C WARGA 63
VERIZON WIRELESS 87.88
VOGEL WEST INC 1997.96
WASTE CONNECTIONS OF NEBRASKA INC 191.05
WILBUR-ELLIS HOLDINGS II INC 436.82

WINDSTREAM 119.04

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 940.02

CHARTER BUSINESS 65

FIRE GUARD INC 19.8

NEBRASKA PUBLIC POWER DISTRICT 609.83

OCLC ONLINE COMPUTER LIBRARY CENTER INC 167.57

WASTE CONNECTIONS OF NEBRASKA INC 22.9

Department : 07 - PARKS

AGRIVISION EQUIPMENT GROUP LLC 87.16

BLACK HILLS ENERGY 20.11

FIRE GUARD INC 34.65

LINDER TIRE & AUTO INC 127

MULLENAX AUTO SUPPLY 116.4

NEBRASKA PUBLIC POWER DISTRICT 263.91

OREILLY AUTOMOTIVE INC 5.98

SHELL FLEET PLUS 215.2

VERIZON WIRELESS 125.37

WASTE CONNECTIONS OF NEBRASKA INC 165

WILBUR-ELLIS HOLDINGS II INC 284.47

Department : 08 - CEMETERY

BLACK HILLS ENERGY 20.11

FIRE GUARD INC 19.8

LINDER TIRE & AUTO INC 20

MULLENAX AUTO SUPPLY 66.84

PRUITT OUTDOOR POWER 55.84

SHELL FLEET PLUS 49.68

STEPHEN C WARGA 36

VERIZON WIRELESS 43.94

WASTE CONNECTIONS OF NEBRASKA INC 78.5

Department : 10 - FIRE

CHARTER BUSINESS 16.6

CUMMINS CENTRAL INC 318.71

FIRE GUARD INC 261.92

IDEAL PURE WATER 16.88

NEBRASKA PUBLIC POWER DISTRICT 312.14

WALKERS INC 16.37

WASTE CONNECTIONS OF NEBRASKA INC 22.91

WINDSTREAM 180.17

Department : 11 - SENIOR CITIZEN CTR

BLACK HILLS ENERGY 5.15

NEBRASKA PUBLIC POWER DISTRICT 687.31

OFFICE DEPOT INC 70.59

REINHART FOODSERVICE LLC 449.59
SHELL FLEET PLUS 64.11
STEPHEN C WARGA 90
WALKERS INC 40

Department : 16 - ECONOMIC DEVELOPMENT
LEE ENTERPRISES 45.44

Department : 17 - COMMUNITY CENTER
BLACK HILLS ENERGY 46.34
NEBRASKA PUBLIC POWER DISTRICT 6185.76
OFFICE DEPOT INC 30.03
THE WALDINGER CORPORATION 662
WALKERS INC 40
WASTE CONNECTIONS OF NEBRASKA INC 146.18

Department : 18 - AQUATIC
BLACK HILLS ENERGY 20.11
NEBRASKA PUBLIC POWER DISTRICT 178.52

Department : 20 - WATER
BLACK HILLS ENERGY 42.27
CORE & MAIN LP 2812.25
DISCOVERY BENEFITS INC 25
DPC INDUSTRIES INC 438
FIRE GUARD INC 54.45
KERNS EXCAVATING COMPANY 3078
LINDER TIRE & AUTO INC 85
MICHAEL TODD & COMPANY INC 109.28
MUNICIPAL SUPPLY INC 82.18
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 616.46
NEBRASKA PUBLIC POWER DISTRICT 90.49
ONE CALL CONCEPTS INC 52.48
PETTY CASH WATER DEPARTMENT 400.64
SHELL FLEET PLUS 625.66
TRANSWOOD LOGISTICS INC 968.91
VERIZON WIRELESS 167.9
WILBUR-ELLIS HOLDINGS II INC 148.2
WINDSTREAM 186.63

Department : 24 - DRUG FORFEITURE
H & H SALES INC 400
VERIZON WIRELESS 47.74

Department : 30 - SEWER
AAA SEWER & DRAIN CLEANING CO 672.5
BLACK HILLS ENERGY 64.62
FIRE GUARD INC 19.8

MIDWEST LABORATORIES INC 529
MUNICIPAL SERVICE & SUPPLY 93.08
ONE CALL CONCEPTS INC 52.48
PHONETICS INC 420
SHELL FLEET PLUS 135.98
STEPHEN C WARGA 36
VERIZON WIRELESS 43.94
WASTE CONNECTIONS OF NEBRASKA INC 69.73
WINDSTREAM 51.18

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council member Kerns stated he would be abstaining from any discussion or action on this item as he is president and majority shareholder of Kerns Excavating Company. Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. joined the meeting via Zooming Meetings and reviewed the proposals for the 2019 Flood Recovery Schilling Road Culvert Cleaning Project (FEMA Project #107370) for a Unit Price contract. A quote was received from Midwest Vac Professionals for the Cleaning of the Culverts and a proposal was received from Kerns Excavating for excavation at the culvert sites. Mr. Perry recommended award to Midwest Vac Professionals for the cleaning of the culverts and to Kerns Excavating Company for the excavation at the culvert sites. Motion by Riese seconded by Minahan to award the 2019 Flood Recovery Schilling Road Culvert Cleaning Project (FEMA Project #107370) to Midwest Vac Professionals at a contract price of \$7,000.00 contingent on the engineer's review of the mobilization costs; and Kerns Excavating Company for excavation of the culvert sites for a Unit Price contract of \$1,740.00 and authorize the Mayor to execute the contracts. ROLL CALL: Yes-Muller, Riese, Minahan, Clark, Brookhouser, Derby and Wiemer. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Council member Kerns stated he would be abstaining from any discussion or action on this item as he is president and majority shareholder of Kerns Excavating Company and is a potential contractor for this project. Erv Portis, City Administrator reviewed the agreement. Motion by Brookhouser seconded by Muller to approve an agreement by and between the City of Plattsmouth and Vireo, L.L.C. to enter an Economic Opportunity Program Agreement (“**Program Agreement**”) with the State of Nebraska, Department of Transportation (“**State**”) pursuant to which the State has agreed to make available certain State Economic Opportunity Program Funds (“**EOP Funds**”) for the City’s use in connection with a transportation improvement project (“**Project**”) located in the City’s FourMile Industrial Park (“**Industrial Park**”), subject to the terms and conditions therein, the Nebraska Transportation Innovation Act, and more specifically Neb. Rev. Stat. §39-2801 -2807 and other applicable law (“**Act**”);

and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Derby, Brookhouser, Wiemer, Muller, Minahan, Riese and Clark. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

Motion by Riese seconded by Brookhouser to adopt RESOLUTION NO. 20-011: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, REMOVING A SPECIAL ASSESSMENT IN THE AMOUNT OF \$325.00 AGAINST CERTAIN REAL ESTATE LOCATED AT 808 1ST AVENUE, PLATTSMOUTH, NEBRASKA (PARCEL #130006505)** by title only. Stephen Q. Preston, City Attorney read RESOLUTION NO. 20-011 in to the record by title only. ROLL CALL: Yes-Clark, Minahan, Riese, Brookhouser, Derby, Kerns, Muller and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Brookhouser seconded by Wiemer to approve the amendments to the Articles of Incorporation and Bylaws of the League of Nebraska Municipalities by voting “for” Proposed Actions 1, 2 and 3 on the attached Regular Member Ballot; authorize the Mayor to sign the Regular Member Ballot; and direct the Clerk to return both pages of the Regular Member Ballot to the League by no later than 5:00 p.m. CT, October 1, 2020. ROLL CALL: Yes-Wiemer, Muller, Kerns, Minahan, Clark, Brookhouser, Derby and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Muller seconded by Clark to adopt RESOLUTION NO. 20-012: **A RESOLUTION TO APPROVE THE EXTENSION OF THE 2020 BASEBALL AND SOFTBALL SEASONS UNTIL OCTOBER 31, 2020 AND TO AUTHORIZE THE MAYOR TO EXECUTE AMENDMENTS TO THE 2020 BASEBALL AND SOFTBALL LICENSE AGREEMENTS TO REFLECT THE SAME** by title only. Stephen Q. Preston, City Attorney read RESOLUTION NO. 20-012 in to the record by title only. ROLL CALL: Yes-Riese, Wiemer, Muller, Brookhouser, Derby, Clark, Kerns and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Brookhouser seconded by Wiemer to adopt RESOLUTION NO. 20-013: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA, TO AMEND THE AUTHORIZATION OF THE CONDITIONAL LOAN COMMITMENT TO MDX INVESTMENT, L.L.C. BY INCREASING THE MAXIMUM AMOUNT OF THE FORGIVABLE LOAN OF LB840 FUNDS AVAILABLE FOR SUCH COMMITMENT FROM \$700,000 TO \$1,000,000, AND TO AUTHORIZE THE MAYOR TO SIGN A CONDITIONAL LOAN COMMITMENT ON THE TERMS SET FORTH IN THIS RESOLUTION** by title only. Following discussion, ROLL CALL: Yes-Minahan, Kerns, Clark, Muller, Riese, Wiemer, Brookhouser and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council member Kerns stated he would be abstaining from any discussion or action on this item as he is president and majority shareholder of Kerns Excavating Company which is a conflict of interest.

Motion by Riese seconded by Derby to approve payment of Invoice No. 15877 submitted by Kerns Excavating Company for repair of a water leak at 2213 Hedge Apple Road in the amount of \$3,078.00. ROLL CALL: Yes-Brookhouser, Derby, Clark, Minahan, Wiemer, Riese and Muller. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 G

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

ITEM 12

7:55 p.m. Motion by Brookhouser seconded by Kerns to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk