

PLATTSMOUTH CITY COUNCIL

October 5, 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 October 5, 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, 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 1, 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, Plattsmouth (on behalf of the Plattsmouth Boat Club)-Spoke to council about the filling in of the breach at the boat dock area and asked that they be kept in the conversation of alternate projects for this area.

Gary Hellwig, 1223 2nd Avenue, Plattsmouth (on behalf of the Plattsmouth Boat Club)-Was in agreement with Mr. Jensen and referenced the FEMA Application. Mr. Hellwig stated the Boat Club members are very responsible and moved out their campers when the first signs of flooding were apparent.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA

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

- A Consider approval of the September 21, 2020 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 10/5/20

Pay Date: 9/25/20 114313.98
Com Ctr 4005.25
EMS 16324.81

General 16306.24
Library 7702.78
Parks and Cemetery 7201.26
Police 39057.25
Senior Center 2596.99
Street 10677.18
Water and Sewer 10442.22

Various Vendor Name
AMERITAS 13777.27
AMERITAS LIFE INSURANCE CORP 148.12
BLUE CROSS BLUE SHIELD 47986.36
COLLECTION SERVICES CENTER 208.8
DELTA DENTAL PLAN 2701.08
DOUGLAS COUNTY COURT NE 104.26
FRATERNAL ORDER OF POLICE 180
HARTFORD LIFE INSURANCE COMPANY 202.85
INTERNAL REVENUE SERVICE 24440.97
MUTUAL OF OMAHA 748.88
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16
NEBRASKA DEPARTMENT OF REVENUE 3828.69
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION
CHARTER BUSINESS 130
EGAN SUPPLY CO 268.59
FIRST BANKCARD 54.52
KONICA MINOLTA PREMIER FINANCE 221.16
LEE ENTERPRISES 833.3
LINDER TIRE & AUTO INC 57.5
MENARDS 53.59
OFFICE DEPOT INC 71.79
OLMSTED & PERRY ENGINEERING 1153.4
OXEN TECHNOLOGY 2486
PETTY CASH CITY 200
STERICYCLE SHRED IT 55.72

Department : 02 - HUMANE/CODE ENFORCEMENT
DR K E JOY PC 55

Department : 03 - EMS
BOUND TREE MEDICAL LLC 315.56
FIRST BANKCARD 182.23
FORT DEARBORN LIFE INSURANCE CO 106.64
KONICA MINOLTA PREMIER FINANCE 35.78
MATHESON TRI-GAS INC 60.78
ROLLINS INC 27.5
WALKERS INC 16.38

Department : 04 - POLICE
ACCELERATED GRAPHX LLC 387
CASS COUNTY SHERIFF 3615
DIGITAL ALLY INC 66
DISCOVERY BENEFITS INC 25
FIRST BANKCARD 985.92
GREAT PLAINS UNIFORMS 459.72
GSK LLC 300
H & H SALES INC 30
JACKS UNIFORMS & EQUIPMENT 316.79
JONATHAN HARDY 46
KONICA MINOLTA PREMIER FINANCE 154.29
L SCOT UPTAIN 375
OFFICE DEPOT INC 115.55
OREILLY AUTOMOTIVE INC 12.78
PETTY CASH POLICE 47
POMPS TIRE SERVICE INC 774.3
UPSTATE WHOLESALE SUPPLY 14330
SIRCHIE ACQUISITION COMPANY LLC 136.78

Department : 05 - STREET
CORESLAB STRUCTURES OMAHA INC 1680
GSK LLC 700
LINDER TIRE & AUTO INC 20
LOGAN CONTRACTORS SUPPLY CO 419.67
MARTIN MARIETTA AGGREGATES 374.54
MENARDS 217.22
OFFICE DEPOT INC 29.99
OLMSTED & PERRY ENGINEERING 6650.35
READY MIX CONCRETE CO 13596.38
SAFETY-KLEEN CORPORATION 293.59
STEPHEN C WARGA 72

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 846.32
DEMCO 99.89
FIRST BANKCARD 281.34
KONICA MINOLTA PREMIER FINANCE 154.29
SOFTCHOICE CORPORATION 801.43

Department : 07 - PARKS
BOMGAARS SUPPLY 23.75
CHARTER BUSINESS 39.61
LIFEARTS INTEGRATED HEALTH CENTER PC 30

Department : 08 - CEMETERY
BOMGAARS SUPPLY 44.91

OFFICE DEPOT INC 24.98
WILBUR-ELLIS HOLDINGS II INC 131.85

Department : 10 - FIRE

FORT DEARBORN LIFE INSURANCE CO 147.92
KONICA MINOLTA PREMIER FINANCE 35.78
ROLLINS INC 27.5
WALKERS INC 16.37

Department : 11 - SENIOR CITIZEN CTR

H & H SALES INC 186.78
HYVEE 545.36
REINHART FOODSERVICE LLC 1564.01
STEPHEN C WARGA 18
STRATUS BUILDING SOLUTION OF ARIZONA 219
THE THOMPSON COMPANY 566.29
WALKERS INC 91.7

Department : 16 - ECONOMIC DEVELOPMENT

OLMSTED & PERRY ENGINEERING 412.5

Department : 17 - COMMUNITY CENTER

AQUA CHEM INC 279.57
BOMGAARS SUPPLY 27.75
CONTROL LOGIC INC 345
ECHO GROUP INC 222.18
FIRST BANKCARD 45.81
KONICA MINOLTA PREMIER FINANCE 186.7
MARLA SMITH 24
OKEEFE ELEVATOR CO INC 202.62
STRATUS BUILDING SOLUTION OF ARIZONA 1870
WALKERS INC 80

Department : 18 - AQUATIC

CHARTER BUSINESS 79.22

Department : 20 - WATER

BIG RED COMMUNICATIONS 254
BOMGAARS SUPPLY 97.05
CORE & MAIN LP 2083.98
DISCOVERY BENEFITS INC 25
DPC INDUSTRIES INC 678
DUGAN BUSINESS FORMS 2411.4
FLUID CONSERVATION SYSTEMS INC 74
H & H SALES INC 158.43
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 90
NEBRASKA PUBLIC POWER DISTRICT 6777.64
OFFICE DEPOT INC 79.97

OLMSTED & PERRY ENGINEERING 1821.65
PAIGE WIRELESS LLC 5285.26
PANOLGY INC 900

Department : 24 - DRUG FORFEITURE
H & H SALES INC 400

Department : 30 - SEWER
BIG RED COMMUNICATIONS 254
BOMGAARS SUPPLY 231.6
HYDRO OPTIMIZATION AND AUTOMATION SOLUTIONS INC 1682.5
MENARDS 28.97
NEBRASKA PUBLIC POWER DISTRICT 1349.49
OFFICE DEPOT INC 5.99
OLMSTED & PERRY ENGINEERING 5462.5
PAIGE WIRELESS LLC 4385.27
STEPHEN C WARGA 72

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Sanitary Sewer CCTV Inspection (PW#88688) for a \$8,542.39 increase in the contract price. This Change Order is for work to be finished after the water level went down. Mr. Perry recommended approval. Motion by Muller seconded by Brookhouser to approve Change Order No. 2 by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Sanitary Sewer CCTV Inspection (PW#88688) for a \$8,542.39 increase in the contract price and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Clark, Riese, Brookhouser, Wiemer, Kerns, Minahan, Muller and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.2 (Final) submitted by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Sanitary Sewer CCTV Inspection (PW#88688) in the of amount of \$12,013.60. This Pay App. Reflects Change Order No. 2 and the balance of the contract. Mr. Perry recommended approval of Contractor's Application for Payment No. 2 (Final). Motion by Brookhouser seconded by Derby to approve Contractor's Application for Payment No.2 (Final) submitted by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Sanitary Sewer CCTV Inspection (PW#88688) in the of amount of \$12,013.60 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Muller, Derby, Kerns, Brookhouser,

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

ITEM 8 C

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Schilling Road Culvert Cleaning (PW#107370) for a (-)\$2,500.00 decrease in the contract price. The decrease is for TV inspections they were unable to do at some locations. Mr. Perry recommended approval. Motion by Wiemer seconded by Brookhouser to approve Change Order No. 1 by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Schilling Road Culvert Cleaning (PW#107370) for a (-)\$2,500.00 decrease in the contract price and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Brookhouser, Clark, Minahan, Riese, Derby, Kerns, Muller and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.1 (Final) submitted by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Schilling Road Culvert Cleaning (PW#107370) in the amount of \$4,500.00. This Pay App reflects 100% completion of the contract and Mr. Perry recommended approval. Motion by Riese seconded by Wiemer to approve Contractor's Application for Payment No.1 (Final) submitted by Midwest Vac Professionals LLC for the 2019 Flood Recovery Project – Schilling Road Culvert Cleaning (PW#107370) in the amount of \$4,500.00 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Wiemer, Riese, Brookhouser, Derby, Minahan, Muller, Kerns and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.7 submitted by Building Crafts Inc. for the 2019 Flood Recovery Waste Water Treatment Plant Repair Project(PW#88688) in the of amount of \$102,973.50. This Pay App. is a progress payment and reflects 84% completion of the contract and Mr. Perry recommended approval. Motion by Brookhouser seconded by Muller to approve Contractor's Application for Payment No.7 submitted by Building Crafts Inc. for the 2019 Flood Recovery Waste Water Treatment Plant Repair Project(PW#88688) in the amount of \$102,973.50 and authorize the Mayor to execute Pay Application No. 7. ROLL CALL: Yes-Kerns, Brookhouser, Wiemer, Muller, Clark, Derby, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.5 (Final) submitted by West-E-Con Inc. for the 2019 Flood Recovery Project -

Restore Secondary Electrical Service To the Wastewater Treatment Plant (PW#88688) in the amount of \$13,935.60. West-E-Con is a subcontractor and this Pay App. Represents 100% completion of their contract and Mr. Perry recommended approval contingent on receipt of requested close-out documents. Motion by Riese seconded by Minahan to approve Contractor's Application for Payment No.5 (Final) submitted by West-E-Con Inc. for the 2019 Flood Recovery Project -Restore Secondary Electrical Service to the Wastewater Treatment Plant (PW#88688) in the amount of \$13,935.60 contingent on receipt of requested close-out documents and authorize the Mayor to execute Application for Payment No. 5. ROLL CALL: Yes-Riese, Minahan, Derby, Kerns, Brookhouser, Clark, Muller and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 G

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 2 submitted by Final Grade Construction and Conservation LLC City Boat Ramp and Dock Road Repair Project (PW#101797and PW#101799) in the of amount of \$39,150.00. This is a progress payment for \$39,150.00 and represents 95% completion of their contract. Mr. Perry recommended approval of \$39,150.00 for Contractor's Application for Payment No. 2. Motion by Brookhouser seconded by Wiemer to approve Contractor's Application for Payment No. 2 submitted by Final Grade Construction and Conservation LLC City Boat Ramp and Dock Road Repair Project (PW#101797 and PW#101799) in the amount of \$39,150.00 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Derby, Muller, Brookhouser, Wiemer, Minahan, Kerns, Riese and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 H

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Oldcastle Materials Midwest Co. DBA Omni Engineering Inc. for the 2020 Street Repair and Overlay Improvements for a (-)\$13,226.49 decrease in the contract price. This Change Order reflects an adjustment in final quantities and Mr. Perry recommended approval. Motion by Muller seconded by Minahan to approve Change Order No. 1 submitted by Oldcastle Materials Midwest Co. DBA Omni Engineering Inc. for the 2020 Street Repair and Overlay Improvements for a (-)\$13,226.49 decrease in the contract price and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Wiemer, Riese, Muller, Minahan, Kerns, Clark, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 I

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 1 submitted by Oldcastle Midwest Materials Co. DBA Omni Engineering Inc. for the 2020 Street Repair and Asphalt Overlay Improvements in the of amount of \$196,385.86. This is a progress payment and reflects all work complete on the project less 10% retainage and Mr. Perry recommended approval. Motion by Brookhouser seconded by Wiemer to approve Contractor's Application for Payment No. 1 submitted by Oldcastle Midwest Materials Co. DBA Omni Engineering Inc. for the 2020 Street Repair and Asphalt Overlay

Improvements in the amount of \$196,385.86 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Minahan, Muller, Riese, Wiemer, Brookhouser, Derby, Clark and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 J

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 2 (Final) submitted by Oldcastle Midwest Materials Co. DBA Omni Engineering Inc. for the 2020 Street Repair and Asphalt Overlay Improvements in the amount of \$21,820.65. This Pay App represents the 10% retainage on the project and Mr. Perry recommended approval contingent on receipt of all close-out documents. Motion by Kerns seconded by Wiemer to approve Contractor's Application for Payment No. 2 (Final) submitted by Oldcastle Midwest Materials Co. DBA Omni Engineering Inc. for the 2020 Street Repair and Asphalt Overlay Improvements in the amount of \$21,820.65 contingent on receipt of all close-out documents requested and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Kerns, Wiemer, Brookhouser, Muller, Clark, Derby, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 K

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed the two bids submitted for the Fourmile Road Paving and Storm Sewer Improvement Project for a unit price bid contract. Mr. Perry recommended bid award and contract to VRBA (low bidder) and to accept the alternate. Motion by Brookhouser seconded by Riese to approve the bid award and contract for the Fourmile Road Paving and Storm Sewer Improvement Project for a unit price bid contract to VRBA Construction, accept the alternate and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Brookhouser, Derby, Clark, Kerns, Minahan, Muller, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 L

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed the five bids submitted for the Fourmile Industrial Park Water Improvement Project for a unit price bid contract. Mr. Perry stated that Van Kirk Bros. Contracting was the low bidder and recommended award and contract to Van Kirk Bros. Contracting at a contract price of \$76,218.00. Motion by Riese seconded by Derby to approve the bid award and contract for the Fourmile Industrial Park Water Improvement Project for a unit price bid contract of \$76,218.00 to Van Kirk Bros. Contracting and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Muller, Minahan, Brookhouser, Wiemer, Derby, Kerns, Clark and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 M

Ervin Portis, City Administrator summarized the FEMA process following the Flood of 2019. An application was submitted to FEMA with 23 proposed projects, 3 of them being specific to the Boat Ramp and Dock Road area. On all projects, FEMA performed site inspections from

which the FEMA Damage Description and Dimensions (DDD) documents were prepared. The DDD is critical to project approval and reimbursements. For any project to be considered for the 75% FEMA reimbursement it must be an eligible facility (city owned/controlled) and there must be public benefit. At the July 2020 monthly meeting with FEMA the City was encouraged to get all Non-Water/Wastewater projects to the finish line-this area being one of those projects. An application for Alternate Projects was discussed with FEMA, but no application has yet been submitted to FEMA. FEMA reminded city staff that for a project to be considered the property must be under city control and for public benefit. One of the Alternate Projects discussed involved the One Schmore property, if reclaimed by the City, to use some of the One Schmore property for a public park, walking trail and an 18 space RV park at a total cost of approximately \$550,000-\$600,000. Concerns were voiced on the breach at the river bank-need to restore to pre-flood condition to protect the City's critical infrastructures but it would include property owned by the Nebraska Game and Parks Commission and Plattsmouth Boat Club which is not eligible for FEMA reimbursement under a City project. It was suggested that a Hydrologist be consulted regarding the breach at the river bank. The question was raised if the City could purchase a portion of the Boat Club property so the project would be eligible. The FEMA limits for auditing a project were questioned-FEMA can audit each project for up to 10 years after closeout and can pull-back funds after auditing. After further discussion, several council requested City Staff to determine how far back it would be necessary to fill the breach to protect the City's assets and get estimates for the filling, consult with a Hydrologist and to provide cost estimates.

ITEM 8 N

Ervin Portis, City Administrator informed the Mayor and Council Nebraska Game & Parks Commission has indicated they will not be making any further investment in Schilling WMA including Schilling Road. Steve Perry has advised Mr. Portis that some repair to Schilling Road is necessary to assure continued access to critical infrastructure, Water Treatment Plant. Because the City does not own/control Schilling Road, any repairs the City makes will not be eligible for FEMA reimbursement. Mr. Portis has discussed this with Pat Molini of NG & P which did submit a FEMA project to repair Schilling Road, but currently does not plan to make those repairs. Mr. Molini indicated NG & P would be interested entering into a Memorandum of Understanding (MOU) with Plattsmouth to repair Schilling Road. In that MOU, NG & P would repair and seek FEMA reimbursement. The City would agree to pay NG & P's share. The consensus of the council was to authorize the City Attorney and the City Administrator to enter into/negotiate a MOU with Nebraska Game and Parks Commission for repairs to Schilling Road to assure continuous access to the Water Treatment Plant, which is considered critical infrastructure.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Steve Rathman, Chief of Police briefly reviewed his request to purchase one (1) 2021 Ford Police Utility Vehicle from Anderson Auto Group of Lincoln, NE at a total price of \$33,048.00 per unit (State Contract Price), with a trade allowance in the amount of \$1,000.00. (Included in FY 2020-2021 Budget as a General Fund expenditure within the Police Department budget).

Motion by Brookhouser seconded by Clark to approve the purchase of one (1) 2021 Ford Police Utility Vehicle from Anderson Auto Group of Lincoln, NE at a total price of \$33,048.00 per unit (State Contract Price), with a trade allowance in the amount of \$1,000.00. ROLL CALL: Yes-Wiemer, Riese, Muller, Minahan, Kerns, Clark, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

8:36 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