

# PLATTSMOUTH CITY COUNCIL

July 18, 2022

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 July 18, 2022 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Steve Riese, Sean Minahan, Morgan Muller, Terry Kerns, Jeanie Brookhouser, Bryan Clark and James Forrest. Council Members Absent: Doug Derby. Also present: City Administrator Emily Bausch, 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 July 7, 2022 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 Clark to approve the consent agenda as presented:

- A Consider approval of the July 5, 2022 City Council Meeting Minutes
- B Receive Treasurer's Report
- C Consider approval of claims

Claims Register Report as of 7/18/22

Pay Date: 7/15/22                      148546.53

Com Ctr 19895.1

EMS 25383.5

General 16946.46

Library 7642.62

Parks and Cemetery 8232.39

Police 43534.05

Senior Center 3094.97

Street 11498.92

Water and Sewer 12318.52

Various

Vendor Name

AMERITAS 15326.92  
CASS COUNTY COURT 77.54  
COLLECTION SERVICES CENTER 174  
COUNTY COURT OF LANCASTER COUNTY NE 25.6  
FIRST STATE BANK NEBRASKA 186.16  
FRATERNAL ORDER OF POLICE 180  
INTERNAL REVENUE SERVICE 32532.85  
NEBRASKA CHILD SUPPORT PAYMENT CENTER 69.24  
NEBRASKA DEPARTMENT OF REVENUE 5124.91

Department : 01 - GENERAL ADMINISTRATION

BAIRD HOLM LLP 3366  
BELLINO FIREWORKS INC 1000  
CASS COUNTY COURT 17  
CHARTER BUSINESS 56.4  
HEROES HOLIDAY LIGHTING LLC 1725  
IDEAL PURE WATER 15  
IRINA A HARRINGTON 75  
JOHN MASTERS 1000  
KA BOOMER ENTERPRISES INC 1000  
LEE ENTERPRISES 257.68  
LIBERTY UNIVERSITY 4265.25  
MICROFILM IMAGING SYSTEMS 75  
NEBRASKA PUBLIC POWER DISTRICT 486.68  
OFFICE DEPOT INC 112.97  
OXEN TECHNOLOGY 936.54  
PATRIOT PETES INC 1000  
STEPHEN Q PRESTON 4800  
STERICYCLE SHRED IT 68.48  
THE PITNEY BOWES BANK INC 1005  
VERIZON WIRELESS 85.82  
WASTE CONNECTIONS OF NEBRASKA INC 282.33  
WILD WILLY'S FIREWORKS LLC 1000  
WINDSTREAM 252.07

Department : 02 - HUMANE/CODE ENFORCEMENT

NEBRASKA HUMANE SOCIETY 35  
NEBRASKA PUBLIC POWER DISTRICT 54.51  
SHELL FLEET PLUS 139.14

Department : 03 - EMS

BOUND TREE MEDICAL LLC 3142.03  
GREAT PLAINS UNIFORMS 1550  
IDEAL PURE WATER 30.75  
MATHESON TRI-GAS INC 278.06

NEBRASKA PUBLIC POWER DISTRICT 348.54  
PREMIER HEALTH CARE SERVICES INC 2500  
REBECCA L GRAF 10  
SGP SERVICES INC 670  
SHELL FLEET PLUS 1572.05  
SMA ENTERPRISE INC 4295.02  
VERIZON WIRELESS 171.63  
WALKERS INC 19.38  
WASTE CONNECTIONS OF NEBRASKA INC 52.72  
WEX HEALTH INC 13.5  
WINDSTREAM 182.72

Department : 04 - POLICE  
AUDREY WILSON 99.1  
CASS COUNTY REGISTER OF DEEDS 80  
DIGITAL ALLY INC 81  
EMBLEMS INC 877.5  
GSK LLC 950  
JACKS UNIFORMS & EQUIPMENT 253.59  
SHELL FLEET PLUS 3217.33  
STANARD & ASSOCIATES INC 156.34  
VERIZON WIRELESS 321.15  
WEX HEALTH INC 26  
WINDSTREAM 340.86

Department : 05 - STREET  
BOO INC DBA BOBCAT OF OMAHA 94.66  
CINTAS CORPORATION #749 299.9  
H & H SALES INC 79.95  
JOE MCDERMOTT ASSOCIATES 89.5  
MENARDS 6.54  
MURPHY TRACTOR AND EQUIPMENT 105.38  
NEBRASKA PUBLIC POWER DISTRICT 5297.65  
SHELL FLEET PLUS 750.76  
TILSON AUTOMOTIVE 90  
UNITED SEEDS INC 192.5  
VERIZON WIRELESS 128.73  
WASTE CONNECTIONS OF NEBRASKA INC 289.3  
WINDSTREAM 129.02

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 232.9  
CHARTER BUSINESS 65  
NEBRASKA PUBLIC POWER DISTRICT 309.53  
OCLC ONLINE COMPUTER LIBRARY CENTER INC 178.82  
WASTE CONNECTIONS OF NEBRASKA INC 45.44

Department : 07 - PARKS  
NEBRASKA PUBLIC POWER DISTRICT 261.91  
SHELL FLEET PLUS 680.09

VERIZON WIRELESS 42.91  
WALKERS INC 14.1  
WASTE CONNECTIONS OF NEBRASKA INC 250.84

Department : 08 - CEMETERY  
MULLENAX AUTO SUPPLY 96.64  
SAMUEL C MCCANDLESS 2720  
SHELL FLEET PLUS 255.07  
VERIZON WIRELESS 42.91  
WASTE CONNECTIONS OF NEBRASKA INC 119.33

Department : 10 - FIRE  
IDEAL PURE WATER 30.75  
NEBRASKA PUBLIC POWER DISTRICT 348.53  
SGP SERVICES INC 670  
WALKERS INC 19.37  
WASTE CONNECTIONS OF NEBRASKA INC 52.71  
WINDSTREAM 182.72

Department : 11 - SENIOR CITIZEN CTR  
NEBRASKA PUBLIC POWER DISTRICT 627.68  
REINHART FOODSERVICE LLC 1525.83  
SHELL FLEET PLUS 151.1  
WALKERS INC 123.14

Department : 16 - ECONOMIC DEVELOPMENT  
CASS COUNTY NEBRASKA ECONOMIC DEV 3750

Department : 17 - COMMUNITY CENTER  
A F P CORPORATION 996.69  
AQUA CHEM INC 122  
DANIELLA KERUZIS 61.26  
JACOB SCHAAF 42.8  
NEBRASKA PUBLIC POWER DISTRICT 5649.16  
THE WALDINGER CORPORATION 1838.87  
VERONICA POLCYN 64  
WALKERS INC 46  
WASTE CONNECTIONS OF NEBRASKA INC 224.27

Department : 18 - AQUATIC  
AQUA CHEM INC 1522.6  
CHESTERMAN CO 392.38  
NEBRASKA PUBLIC POWER DISTRICT 2076.71  
REINHART FOODSERVICE LLC 1276.73  
WASTE CONNECTIONS OF NEBRASKA INC 166.66

Department : 20 - WATER  
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA 1313  
CORE & MAIN LP 313.79  
DPC INDUSTRIES INC 1755

H & H SALES INC 251.29  
MISSISSIPPI LIME COMPANY 5131.15  
NEBRASKA PUBLIC POWER DISTRICT 78.8  
ONE CALL CONCEPTS INC 50.1  
PETTY CASH WATER DEPARTMENT 551.53  
SHELL FLEET PLUS 711.17  
STEPHEN Q PRESTON 1600  
TRANSWOOD LOGISTICS INC 1451.76  
VERIZON WIRELESS 168.74  
WASTE CONNECTIONS OF NEBRASKA INC 66.59  
WATER & SEWER DEPARTMENT 411.97  
WEX HEALTH INC 10.5  
WINDSTREAM 138.22

Department : 24 - DRUG FORFEITURE  
H & H SALES INC 400  
VERIZON WIRELESS 42.91

Department : 30 - SEWER  
DAN KOEHLER 15  
DPC INDUSTRIES INC 1432.5  
MIDWEST LABORATORIES INC 758  
ONE CALL CONCEPTS INC 50.1  
PETTY CASH WATER DEPARTMENT 20  
PRUITT OUTDOOR POWER 39.24  
SHELL FLEET PLUS 369.64  
STEPHEN Q PRESTON 1600  
VERIZON WIRELESS 82.92  
WASTE CONNECTIONS OF NEBRASKA INC 106.98  
WINDSTREAM 116.85

Department : 40 - PLATTSMOUTH KENO  
NEBRASKA DEPARTMENT OF REVENUE CHARITABLE GAM

ROLL CALL: Yes-Minahan, Brookhouser, Forrest, Clark, Riese, Kerns and Muller. No-None.  
Absent-Derby. Abstain-None. 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 a potential sub-contractor.

Steve Perry P.E., Olmsted & Perry Consulting Engineers Inc. reviewed Amendment No. 2 to the Engineering Services Agreement with Olmsted & Perry Consulting Engineers Inc. for the New Relocated Wastewater Treatment Plant & Conveyance Project for the Contract No. 1 Site Pre-grading Project at the Fourmile Industrial Park (2019 Flood Recovery Project PW#88688). The amendment adds \$70,650.00 to the contract for additional work items. They are working through final design and have a 90% review

meeting in the near future. Following discussion, Motion by Riese seconded by Brookhouser to approve Amendment No. 2 to the Engineering Services Agreement with Olmsted & Perry Consulting Engineers Inc. for the New Relocated Wastewater Treatment Plant & Conveyance Project for the Contract No. 1 Site Pre-grading Project at the Fourmile Industrial Park (2019 Flood Recovery Project PW#88688). ROLL CALL: Yes-Muller, Forrest, Riese, Brookhouser, Clark and Minahan. No-None. Absent-Derby. Abstain-Kerns. MOTION CARRIED.

#### ITEM 8 B

Steve Perry P.E., Olmsted & Perry Consulting Engineers Inc. reviewed Amendment No.1 to the Engineering Services Agreement with Olmsted & Perry Consulting Engineers Inc. for the City of Plattsmouth's Water Supply System Project (2019 Flood Recovery Project PW#88690). The amendment reflects services associated with the right-of-way acquisition associated with the water main alignment on the north side of the Platte River and adds \$11,985.00 to the contract. Motion by Brookhouser seconded by Forrest to approve Amendment No.1 to the Engineering Services Agreement with Olmsted & Perry Consulting Engineers Inc. for the City of Plattsmouth's Water Supply System Project (2019 Flood Recovery Project PW#88690). ROLL CALL: Yes-Kerns, Clark, Brookhouser, Minahan, Muller, Riese and Forrest. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

#### ITEM 8 C

Steve Perry P.E., Olmsted & Perry Consulting Engineers Inc. recommended council lay over consideration of the bids and contract for the Vireo Parkway Paving Improvements at the Fourmile Industrial Park (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility). Motion by Forrest seconded by Muller to postpone consideration of the bid award and contract for the Vireo Parkway Paving Improvements at the Fourmile Industrial Park (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility). ROLL CALL: Yes-Forrest, Brookhouser, Minahan, Riese, Clark and Muller.. No-None. Absent-Derby. Abstain-Kerns. MOTION CARRIED.

#### ITEM 8 D

Council member Kerns stated he would be abstaining from any discussion or action on this item as he is a potential sub-contractor.

Steve Perry P.E., Olmsted & Perry Consulting Engineers Inc. reviewed the bids and contract for Contract No. 1 Site Pre-grading Project (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility). Three bids were received and bid opening was July 14, 2022. Mr. Perry recommended Hendrickson Transportation LLC with the low bid of \$849,587.66. Following discussion, Motion by Brookhouser seconded by Forrest to approve the bid award and contract for Contract No. 1 Site Pre-grading Project (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility) to Hendrickson Transportation LLC in their bid amount of \$849,587.66 and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Clark, Brookhouser, Forrest, Riese, Minahan and Muller. No-None. Absent-Derby. Abstain-Kerns. MOTION CARRIED.

#### ITEM 8 E

Motion by Forrest seconded by Kerns to approve second (2<sup>nd</sup>) reading of ORDINANCE NO. 1995: **AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF HIGHWAY 75 AND CLUBVIEW DRIVE,**

**LEGALLY DESCRIBED AS 12-12-13 NW1/4 NW1/4 AND PT DB96 SW1/4 NW1/4 EXCEPT COUNTY ROAD (40 ACRES) AND 12-12-13 W1/2 NW1/4 (20 ACRES), CASS COUNTY, NEBRASKA, FROM THE RR/MUD (RURAL RESIDENTIAL/MIXED USE DISTRICT) TO AG (AGRICULTURE); TO AMEND THE ZONING DISTRICT BOUNDARIES AND OFFICIAL ZONING MAP OF THE CITY OF PLATTSMOUTH; 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-Riese, Muller, Clark, Kerns, Minahan, Forrest and Brookhouser. No-None. Absent-Derby. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read ORDINANCE NO. 1995 in to the record by title only.

ITEM 8 F

Emily Bausch, City Administrator informed council of the addition of the payment structure in the agreement. Following discussion, Motion by Minahan seconded by Riese to approve an Interlocal Agreement with SID #7 for the City's provision of municipal street sweeping services in the district. ROLL CALL: Yes-Brookhouser, Kerns, Muller, Forrest, Clark, Minahan and Riese. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Emily Bausch, City Administrator stated the Amendment and Partial Release of Easement relating to real property located near Dam Site 10A (southeast of the intersection of Highway 75 and First Avenue) was requested by the developer and approved by the bank and both have signed. Ms. Bausch worked with the City Engineer and the City Attorney extensively for many hours to satisfy concerns. This is critical for the property to be developed. Motion by Brookhouser seconded by Clark to approve an Amendment and Partial Release of Easement relating to real property located near Dam Site 10A (southeast of the intersection of Highway 75 and First Avenue), and authorize the Mayor to execute the same on behalf of the City. ROLL CALL: Yes-Clark, Brookhouser, Minahan, Kernd, Muller, Riese and Forrest. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 9 B

Mayor Lambert stated the need for the council to go in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding a complaint filed, *Plattsmouth Boat Club v. City of Plattsmouth*, in Cass County District Court, Case ID CI 22-67.

7:32 p.m. Motion by Brookhouser seconded by Muller to go in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding a complaint filed, *Plattsmouth Boat Club v. City of Plattsmouth*, in Cass County District Court, Case ID CI 22-67. Mayor Lambert again stated the Council will be going in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the city Attorney regarding a complaint filed, *Plattsmouth Boat Club v. City of Plattsmouth*, in Cass County District Court, Case ID CI 22-67. ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Kerns, Clark and Brookhosuer. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

Mayor Lambert again stated the Council will be going in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding a complaint filed, *Plattsmouth Boat Club v. City of Plattsmouth*, in Cass County District Court, Case ID CI 22-67.

7:57 p.m. Motion by Muller seconded by Riese to reconvene in Open Session. ROLL CALL: Yes-Brookhouser, Clark, Kerns, Minahan, Muller, Riese and Forrest. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 9 C

Mayor Lambert stated the need for the council to go in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding Stanley and Alice Zych Revocable Trust dated July 17, 2019, Cass County, County Court Case No. PR 21-107.

7:58 p.m. Motion by Forrest seconded by Riese to go in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding Stanley and Alice Zych Revocable Trust dated July 17, 2019, Cass County, County Court Case No. PR 21-107. Mayor Lambert again stated the Council will be going in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding Stanley and Alice Zych Revocable Trust dated July 17, 2019, Cass County, County Court Case No. PR 21-107. ROLL CALL: Yes-Forrest, Muller, Kerns, Brookhouser, Riese, Minahan and Clark. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

Mayor Lambert again stated the Council will be going in to Closed Session for the purpose of protecting the public interest while the Mayor and City Council conduct a strategy session with the City Attorney regarding Stanley and Alice Zych Revocable Trust dated July 17, 2019, Cass County, County Court Case No. PR 21-107.

8:06 p.m. Motion by Muller seconded by Brookhouser to reconvene in Open Session. ROLL CALL: Yes-Brookhouser, Clark, Forrest, Riese, Muller, Kerns and Minahan. No-None. Absent-Derby. Abstain-None. MOTION CARRIED

ITEM 12

8:11 p.m. Motion by Brookhouser seconded by Clark to adjourn. ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Kerns, Clark and Brookhouser. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk