

# PLATTSMOUTH CITY COUNCIL

March 20, 2023

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 March 20, 2023 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Steve Riese, Sean Minahan, Morgan Muller, Terry Kerns, Bryan Clark, Jeanie Brookhouser, Stockton Graham and James Forrest. Council Members Absent: None. 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 March 9, 2023 in the Omaha World Herald. 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

Kerry Gustafson, Dana F. Cole & Co. LLC presented the City of Plattsmouth Fiscal Year October 1, 2021 through September 30, 2022 audit and was available for questions. Motion by Forrest seconded by Riese to receive the FY October 1, 2021 through September 30, 2022 audit and direct the clerk to file. ROLL CALL: Yes-Minahan, Kerns, Muller, Clark, Riese, Graham, Forrest and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

## ITEM 8-CONSENT AGENDA

Motion by Brookhouser seconded by Clark to approve the Consent Agenda as presented:

- A Consider approval of the March 6, 2023 City Council Meeting Minutes
- B Receive Treasurer's Report
- C Consider approval of claims

Claims Register Report as of 3/20/23

Pay Date: 3/10/23                      148293.64  
Com Ctr 7724.55  
EMS 26485.36

General 25091.36  
Library 9044.12  
Parks and Cemetery 2055.81  
Police 45453.51  
Senior Center 3825.02  
Street 14141.63  
Water and Sewer 14472.28

Various  
Vendor Name  
AMERITAS 16905.36  
FIRST STATE BANK NEBRASKA 311.54  
FRATERNAL ORDER OF POLICE 180  
INTERNAL REVENUE SERVICE 32304.09  
NEBRASKA DEPARTMENT OF REVENUE 5150.78  
PLATTSMOUTH COMMUNITY CENTER 2438.3

Department : 01 - GENERAL ADMINISTRATION  
AMAZON.COM SALES INC 408.42  
BLACK HILLS ENERGY 1302.75  
LEAGUE OF NEB MUNICIPALITIES 26  
MARCUS LINCOLN HOTEL LLC 220  
MICROFILM IMAGING SYSTEMS 75  
NEBRASKA FURNITURE MART 1691.87  
OMAHA WORLD HERALD 1772.35  
OXEN TECHNOLOGY 1139.55  
STEPHEN Q PRESTON 4800  
THE PITNEY BOWES BANK INC 61.64  
VERIZON WIRELESS 85.56  
WINDSTREAM 239.1

Department : 02 - HUMANE/CODE ENFORCEMENT  
SHELL FLEET PLUS 53.53

Department : 03 - EMS  
A F P CORPORATION 347.45  
BLUE VALLEY PUBLIC SAFETY INC 130  
CHARTER BUSINESS 41.7  
CUMMINS CENTRAL INC 529.61  
LIFEARTS INTEGRATED HEALTH CENTER PC 110  
MATHESON TRI-GAS INC 288.31  
METRO BILLING SERVICES LLP 1488  
REBECCA L GRAF 10  
ROCK HILL WINDMILL LLC 450  
ROLLINS INC 34.5  
SHELL FLEET PLUS 1064.61  
VERIZON WIRELESS 171.41  
WALKERS INC 21.04  
WINDSTREAM 180.09

Department : 04 - POLICE  
AMAZON.COM SALES INC 830.43  
CASS COUNTY REGISTER OF DEEDS 140  
CASS COUNTY SHERIFF 3615  
CLEARVIEW COUNTRY CLUB FOR PETS INC 386.55  
DIGITAL ALLY INC 360  
NEBRASKA DEPT OF MOTOR VEHICLES 26.4  
OMAHA WORLD HERALD 33.49  
SHELL FLEET PLUS 2326.58  
VERIZON WIRELESS 320.9  
WEX HEALTH INC 16.67  
WINDSTREAM 329.57

Department : 05 - STREET  
AGRIVISION EQUIPMENT GROUP LLC 26.41  
BLACK HILLS ENERGY 830.11  
BOO INC DBA BOBCAT OF OMAHA 6060  
CINTAS CORPORATION #749 261.64  
CORNHUSKER INTERNATIONAL TRUCKS INC 14.99  
MARK HYDRAULIC CO INC 922.11  
MENARDS 9.62  
MULLENAX AUTO SUPPLY 165.79  
NSG LOGISTICS LLC 14072.48  
SHELL FLEET PLUS 1172.24  
VERIZON WIRELESS 85.56  
WINDSTREAM 125.65  
WOODHOUSE FORD SOUTH INC 169.28

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 855.63  
BLACK HILLS ENERGY 482.08  
CHARTER BUSINESS 130  
DEMCO 216.47  
WINDSTREAM 144.77

Department : 07 - PARKS  
AGRIVISION EQUIPMENT GROUP LLC 799.17  
BLACK HILLS ENERGY 279.86  
HD SUPPLY FACILITIES MAINTENANCE LTD 13.64  
LIFEARTS INTEGRATED HEALTH CENTER PC 220  
OMAHA WORLD HERALD 33.91  
SHELL FLEET PLUS 288.24  
TILSON AUTOMOTIVE 135  
VERIZON WIRELESS 2.87  
WALKERS INC 14.6

Department : 08 - CEMETERY  
BLACK HILLS ENERGY 270.46  
NEBRASKA PUBLIC POWER DISTRICT 53.02  
SHELL FLEET PLUS 123.53

VERIZON WIRELESS 42.78  
WINDSTREAM 156.96

Department : 10 - FIRE

A F P CORPORATION 347.45  
A F P WEST CORPORATION 384  
BLUE VALLEY PUBLIC SAFETY INC 130  
CHARTER BUSINESS 41.7  
CUMMINS CENTRAL INC 529.6  
MULLENAX AUTO SUPPLY 487.96  
ROCK HILL WINDMILL LLC 1050  
ROLLINS INC 34.49  
SAM A DMAVRO 16  
SANDRY FIRE SUPPLY LLC 4088.75  
WALKERS INC 21.05  
WINDSTREAM 180.09

Department : 11 - SENIOR CITIZEN CTR

BLACK HILLS ENERGY 286.88  
CHARTER BUSINESS 154.95  
DEPARTMENT OF HEALTH AND HUMAN SERVICES 10  
REINHART FOODSERVICE LLC 3315.76  
SHELL FLEET PLUS 72.93  
UNITED STATES POSTAL SERVICE 126

Department : 16 - ECONOMIC DEVELOPMENT

OMAHA WORLD HERALD 48.25

Department : 17 - COMMUNITY CENTER

AQUA CHEM INC 334.2  
BLACK HILLS ENERGY 2581.96  
CHARTER BUSINESS 464.84  
CHESTERMAN CO 323.55  
JAQUELINE MILLER PEARSON 25  
OFFICE DEPOT INC 76.01  
SANDRA DEAN 50  
SEI SECURITY EQUIPMENT 122.42  
WALKERS INC 106.66

Department : 18 - AQUATIC

BLACK HILLS ENERGY 38.6

Department : 20 - WATER

AARON JAMES MEYER 2200  
AMAZON.COM SALES INC 139.98  
BIG RED COMMUNICATIONS 127  
BLACK HILLS ENERGY 565.36  
CORE & MAIN LP 319.95  
DPC INDUSTRIES INC 2008.8  
F S I AGENCY LLC 5187

HD SUPPLY FACILITIES MAINTENANCE LTD 398.25  
MISSISSIPPI LIME COMPANY 6789.6  
OREILLY AUTOMOTIVE INC 34.19  
SHELL FLEET PLUS 626.24  
STEPHEN Q PRESTON 1600  
VERIZON WIRELESS 168.35  
WATER & SEWER DEPARTMENT 176.58  
WEX HEALTH INC 33.33  
WINDSTREAM 133.76

Department : 24 - DRUG FORFEITURE  
H & H SALES INC 200

Department : 30 - SEWER  
BIG RED COMMUNICATIONS 127  
BLACK HILLS ENERGY 3299.27  
F S I AGENCY LLC 20283  
HD SUPPLY FACILITIES MAINTENANCE LTD 1680.92  
INLAND TRUCK PARTS COMPANY 319.56  
MULLENAX AUTO SUPPLY 289.36  
OLMSTED & PERRY ENGINEERING 13625  
SHELL FLEET PLUS 176.46  
STEPHEN Q PRESTON 1600  
VERIZON WIRELESS 82.79  
WINDSTREAM 65.85

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

#### ITEM 9-UNFINISHED BUSINESS

Council member Kerns stated he would be abstaining from any discussion or action on ITEM 9 A and ITEM 9 B as he has a conflict of interest because his company is a subcontractor for Hendrickson Transportation LLC

#### ITEM 9 A

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. and Steve Soupir, PE, Fox Strand Project Manager reviewed Change Order No. 2 (Final) submitted by Hendrickson Transportation LLC for Contract No. 1 Site Pre-Grading Project (2019 Flood Recovery Project #88688-Relocated Wastewater Treatment Facility) in the amount of (-) \$53,018.08. This change order reflects the final balance of quantities and makes a total of \$80,542.25 in deductions for the contract. Mr. Perry recommended approval. Motion by Muller seconded by Brookhouser to approve Change Order No. 2 (Final) submitted by Hendrickson Transportation LLC for Contract No. 1 Site Pre-Grading Project (2019 Flood Recovery Project #88688-Relocated Wastewater Treatment Facility) in the amount of (-) \$53,018.08 and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Forrest, Graham, Muller, Riese, Minahan, Clark and Brookhouser. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

## ITEM 9 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. and Steve Soupir, PE, Fox Strand Project Manager reviewed Contractor's Application for Payment No. 4 submitted by Hendrickson Transportation LLC for Contract No. 1 Site Pre-Grading Project (2019 Flood Recovery Project #88688-Relocated Wastewater Treatment Facility) in the amount of \$210,622.38. This is a progress payment with all but the 10% retainage left to pay out which should come back to council at the next meeting. Mr. Perry recommended approval. Motion by Brookhouser seconded by Riese to approve Contractor's Application for Payment No. 4 submitted by Hendrickson Transportation LLC for Contract No. 1 Site Pre-Grading Project (2019 Flood Recovery Project #88688-Relocated Wastewater Treatment Facility) in the amount of \$210,622.38 and authorize the Mayor to execute Pay Application No. 4. ROLL CALL: Yes-Clark, Minahan, Brookhouser, Graham, Muller, Riese and Forrest. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

Council member Kerns stated that he would be abstaining from any discussion or action on ITEM 9 C, ITEM 9 D and ITEM 9 E as he is a potential bidder or subcontractor.

## ITEM 9 C

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. and Steve Soupir, PE, Fox Strand Project Manager reviewed the construction contract with Hawkins Construction for the New Wastewater Treatment Plant Contract No.2 - Wastewater Treatment Plant at the Fourmile Industrial Park site (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant). Approval was recommended. Motion by Forrest seconded by Clark to approve the construction contract with Hawkins Construction for the New Wastewater Treatment Plant Contract No.2 - Wastewater Treatment Plant at the Fourmile Industrial Park site (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant) and authorize the Mayor to execute all documents pertaining to the construction contract. Following discussion, ROLL CALL: Yes-Forrest, Muller, Graham, Brookhouser, Clark, Minahan and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

## ITEM 9 D

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. and Steve Soupir, PE, Fox Strand Project Manager reviewed the New Wastewater Treatment Plant Contract No.3 – Raw Wastewater Force Mains (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility). The project consists of the construction of the force mains (2) to convey wastewater from the raw wastewater pumping station to the new Wastewater Treatment Plant at Fourmile Industrial Park. The project schedule was reviewed with a proposed bid date of April 27, 2023 with construction commencing in late spring 2023 and completion by July of 2025. Probable construction costs were estimated at \$20,691,000.00. Following discussion, Motion by Forrest seconded by Muller to authorize the solicitation of bids for the New Wastewater Treatment Plant Contract No.3 – Raw Wastewater Force Mains (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility). ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Clark, Graham and Brookhouser. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

## ITEM 9 E

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. and Steve Soupir, PE, Fox Strand Project Manager reviewed the Lincoln Avenue Sanitary Sewer Repair Project. There will be a contractual obligation to coordinate with the contractor for the Raw Wastewater Force Mains Project as the two projects will involve the tearing up of portions of Lincoln Avenue. This is NOT a FEMA project but is SRF (State Revolving Fund) eligible. The estimated cost of this project is \$596,000.00. It has been estimated that if the project was not done in conjunction with the Raw Wastewater Force Mains Project it could cost up to 3 times more. Motion by Forrest seconded by Minahan to authorize the solicitation of bids for the Lincoln Avenue Sanitary Sewer Repair Project. Following further discussion, ROLL CALL: Yes-Brookhouser, Graham, Clark, Minahan, Muller, Riese and Forrest. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

## ITEM 9 F

Council member Forrest introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 2003: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH FEES FOR CITY SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Forrest seconded by Riese to adopt ORDINANCE NO. 2003 on second reading by title only. ROLL CALL: Yes-Muller, Minahan, Forrest, Riese, Brookhouser, Kerns, Clark and Graham. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read ORDINANCE NO. 2003 in to the record by title only. Motion by Forrest seconded by Kerns to suspend the statutory rule that Ordinance No. 2003 be read on three different days and to adopt Ordinance No. 2003 on final reading by title only. ROLL CALL: Yes-Minahan, Graham, Brookhouser, Forrest, Muller, Clark, Kerns and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read ORDINANCE NO. 2003 in to the record by title only.

## ITEM 10-NEW BUSINESS

### ITEM 10 A

Pursuant to publication, Mayor Lambert opened a public hearing at 7:38 p.m. to hear and consider all comments regarding the Class C Liquor License Application submitted by Milano's Italian Restaurant LLC dba Milano's Italian Restaurant, 209 S. 23<sup>rd</sup> Street, Plattsmouth, NE. Besmir Gjok, owner of Milano's Italian Restaurant, spoke in favor of the Class C Liquor License. No one else spoke in favor, opposition or of a neutral nature. Mayor Lambert again stated the reason for the public hearing and with no one else coming forward to speak closed the public hearing at 7:42 p.m.

### ITEM 10 B

Motion by Muller seconded by Clark to give a favorable recommendation to the Nebraska Liquor Commission regarding a Class C Liquor License Application submitted by Milano's Italian Restaurant LLC dba Milano's Italian Restaurant, 209 S. 23<sup>rd</sup> Street, Plattsmouth, NE. ROLL CALL: Yes-Graham, Clark, Brookhouser, Muller, Forrest, Minahan, Kerns and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 C

Nate Taylor, Public Works Director reviewed his request for authorization to purchase a new 2022 John Deere 1200A Field Rake from Van-Wall Equipment John Deere of Omaha, Nebraska for \$17,112.00. The current field rake is 20 years old and getting parts is a problem. This purchase was budgeted for FY 2022-2023. Following discussion, Motion by Forrest seconded by Riese to authorize the purchase of a new 2022 John Deere 1200A Field Rake from Van-Wall Equipment John Deere of Omaha, Nebraska for \$17,112.00. Following further discussion, ROLL CALL: Yes-Riese, Kerns, Minahan, Brookhouser, Graham, Clark, Forrest and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Council member Kerns stated he would be abstaining from any discussion or action on ITEM 10 D and ITEM 10 E as he has a conflict of interest.

ITEM 10 D

Motion by Muller seconded by Brookhouser to approve Kerns Excavating Company Invoice #17357 in the amount of \$14,235.00 for Tree/Debris removal from recycling area per Agreement and authorize payment. ROLL CALL: Yes-Minahan, Forrest, Muller, Brookhouser, Riese, Clark and Graham. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 10 E

Motion by Forrest seconded by Riese to approve Kerns Excavating Company Invoice #17350 in the amount of \$4,842.50 for Emergency Water Main repair at 1302 S. 10<sup>th</sup> Street and authorize payment. ROLL CALL: Yes-Graham, Brookhouser, Riese, Forrest, Minahan, Clark and Muller. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 10 F

Motion by Clark seconded by Brookhouser to approve the appointment of Marley Clark 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-Kerns, Muller, Clark, Graham, Brookhouser, Minahan, Forrest and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 13

8:17 p.m. Motion by Brookhouser seconded by Forrest to adjourn. ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Kerns, Clark, Graham and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk