

PLATTSMOUTH CITY COUNCIL

May 15, 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 May 15, 2023 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Sean Minahan, Morgan Muller, Terry Kerns, Bryan Clark, Jeanie Brookhouser, Stockton Graham. Council Members Absent: Steve Riese and James Forrest. Also present: City Administrator Emily Bausch, City Attorney Stephen Q. Preston & Deputy City Clerk Ryan Vulgamott

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on May 4, 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 - Citizens Delegation

No one spoke at Citizen Delegation.

ITEM 6 - Mayoral Proclamation

Mayor Lambert proclaimed May 5, 2023 as Eli Schaaf Day, in the City of Plattsmouth, Nebraska recognizing him as an honorary Plattsmouth Volunteer Fire Department Member.

Mayor Lambert proclaimed May 14-20, 2023 as the Nebraska Masonic Home Nursing Home Week in the City of Plattsmouth, Nebraska to recognize the positive impact they have on the lives of those in their care.

ITEM 7 - CONSENT AGENDA

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

- A Consider approval of the May 1, 2023 City Council Meeting Minute
- B Receive Treasurer's Report
- C Consider approval of claims

Claims Register Report as of 5/15/23

Pay Date: 5/5/23 148694.15

Com Ctr 7290.82
EMS 25730.04
General 20748.63

Library 9376.87
Parks and Cemetery 6641.93
Police 48877.74
Senior Center 3598.24
Street 13427.6
Water and Sewer 13002.28

Various

Vendor Name
AMERITAS 17488.02
CASS COUNTY COURT 379.63
FIRST STATE BANK NEBRASKA 311.54
FRATERNAL ORDER OF POLICE 195
INTERNAL REVENUE SERVICE 33642.07
NEBRASKA DEPARTMENT OF REVENUE 5419.09
PETTY CASH CITY 300
PLATTSMOUTH COMMUNITY CENTER 2181.5
TX CHILD SUPPORT SDU 150

Department : 01 - GENERAL ADMINISTRATION

ACCESS TECHNOLOGIES INC 321.75
AMAZON.COM SALES INC 305.42
BOO INC DBA BOBCAT OF OMAHA 148.2
CASS COUNTY REGISTER OF DEEDS 10
CASS COUNTY TREASURER 8858.4
CHARTER BUSINESS 63.13
CLAY D LINCOLN 135
F S I AGENCY LLC 872.5
FLYNN INNOVATIONS LLC 522.18
IRINA A HARRINGTON 75
JEREMY J MASID 5565
KATHRYN SHARP 250
MENARDS 35.93
MICROFILM IMAGING SYSTEMS 75
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES 80.5
NEBRASKA PUBLIC POWER DISTRICT 282.7
OFFICE DEPOT INC 160.88
OMAHA WORLD HERALD 1658.67
OXEN TECHNOLOGY 1133.5
READY MIX CONCRETE CO 1414.41
SHELL FLEET PLUS 112.41
STEPHEN C WARGA 30
STEPHEN Q PRESTON 4800
STERICYCLE SHRED IT 64.67
VERIZON WIRELESS 85.5
WASTE CONNECTIONS OF NEBRASKA INC 127.98
WINDSTREAM 232.43

Department : 02 - HUMANE/CODE ENFORCEMENT

NEBRASKA PUBLIC POWER DISTRICT 126.69

SHELL FLEET PLUS 105.59

Department : 03 - EMS

ACCESS TECHNOLOGIES INC 37.5
AMAZON.COM SALES INC 140.15
BOUND TREE MEDICAL LLC 2612.65
MATHESON TRI-GAS INC 114.74
NEBRASKA PUBLIC POWER DISTRICT 381.38
ROLLINS INC 34.5
SHELL FLEET PLUS 1245.66
SMA ENTERPRISE INC 4413.88
VERIZON WIRELESS 171.39
WALKERS INC 21.04
WASTE CONNECTIONS OF NEBRASKA INC 39.65

Department : 04 - POLICE

ACCELERATED GRAPHX LLC 947.5
ACCESS TECHNOLOGIES INC 202.74
AMAZON.COM SALES INC 104.75
AMY RICHTER 125.16
CASS COUNTY SHERIFF 3615
H & H SALES INC 278.73
JACKS UNIFORMS & EQUIPMENT 429
MIDLAND PRINTING AND BUSINESS FORMS INC 322.73
MULLENAX AUTO SUPPLY 417.36
OREILLY AUTOMOTIVE INC 209.51
SHELL FLEET PLUS 2413.06
UPSTATE WHOLESALE SUPPLY 7352
VERIZON WIRELESS 320.87
WEX HEALTH INC 16.67

Department : 05 - STREET

AGRIVISION EQUIPMENT GROUP LLC 209.36
CINTAS CORPORATION #749 261.64
DAN KOEHLER 18.69
FASTENAL COMPANY 104.77
MITCHELL 1 1185.77
MULLENAX AUTO SUPPLY 94.18
NEBRASKA PUBLIC POWER DISTRICT 5203.23
OREILLY AUTOMOTIVE INC 29.99
SHELL FLEET PLUS 941.81
STEPHEN C WARGA 60
VERIZON WIRELESS 139.01
WASTE CONNECTIONS OF NEBRASKA INC 323.68
WATKINS CONCRETE BLOCK CO 448.05
WINDSTREAM 125.04

Department : 06 - LIBRARY

ACCESS TECHNOLOGIES INC 157.73
BAKER & TAYLOR BOOKS 891.15

CASS COUNTY TREASURER 1476.4
CHARTER BUSINESS 65
MITCHELL 1 1185.77
NEBRASKA PUBLIC POWER DISTRICT 309.6
OCLC ONLINE COMPUTER LIBRARY CENTER INC 178.82
OVERALL BUDDIES 350
SOUTHEAST LIBRARY SYSTEM 25
WASTE CONNECTIONS OF NEBRASKA INC 39.64
WINDSTREAM 141.83

Department : 07 - PARKS

CLAY D LINCOLN 370
FERGUSON ENTERPRISES 288.33
KYLEE PANKIEVICZ 40
MULLENAX AUTO SUPPLY 49.38
NEBRASKA PUBLIC POWER DISTRICT 237.11
SHAW HARDWARE STORE 80.94
SHELL FLEET PLUS 384.84
SIGNEX INC 204.5
WALKERS INC 14.6
WASTE CONNECTIONS OF NEBRASKA INC 282.97

Department : 08 - CEMETERY

MULLENAX AUTO SUPPLY 68.01
SHELL FLEET PLUS 84.07
SIGNEX INC 204.5
VERIZON WIRELESS 42.75
WASTE CONNECTIONS OF NEBRASKA INC 138.08
WINDSTREAM 155.73

Department : 10 - FIRE

ACCESS TECHNOLOGIES INC 37.5
MENARDS 24.99
MULLENAX AUTO SUPPLY 165.18
NEBRASKA IOWA SUPPLY CO INC 1670.29
NEBRASKA PUBLIC POWER DISTRICT 381.37
NEBRASKA STATE FIRE MARSHAL 550
OREILLY AUTOMOTIVE INC 14.99
ROLLINS INC 34.49
SANDRY FIRE SUPPLY LLC 75.58
WALKERS INC 21.05
WASTE CONNECTIONS OF NEBRASKA INC 39.65

Department : 11 - SENIOR CITIZEN CTR

NEBRASKA PUBLIC POWER DISTRICT 748.42
REINHART FOODSERVICE LLC 1136.41
SHELL FLEET PLUS 95.42
WALKERS INC 407.61

Department : 17 - COMMUNITY CENTER

ACCESS TECHNOLOGIES INC 147.73
CHESTERMAN CO 409.72
LIFEARTS INTEGRATED HEALTH CENTER PC 45
NEBRASKA PUBLIC POWER DISTRICT 6735.78
OFFICE DEPOT INC 38.52
PLATTSMOUTH EDUCATION FOUNDATION 125
THE WALDINGER CORPORATION 1840
WALKERS INC 106.66
WASTE CONNECTIONS OF NEBRASKA INC 253

Department : 18 - AQUATIC

AQUA CHEM INC 3124.05
EGAN SUPPLY CO 2187.77
FERGUSON ENTERPRISES 497.85
MENARDS 167.54
NEBRASKA PUBLIC POWER DISTRICT 91.26
OFFICE DEPOT INC 99.83
PLATTSMOUTH EDUCATION FOUNDATION 125

Department : 20 - WATER

BIG RED COMMUNICATIONS 127
BOO INC DBA BOBCAT OF OMAHA 312.57
CASS COUNTY TREASURER 2657.52
FIRST STATE BANK NEBRASKA 51.34
H & H SALES INC 82.32
NEBRASKA PUBLIC POWER DISTRICT 78.92
OMAHA WORLD HERALD 293.31
ONE CALL CONCEPTS INC 46.35
PETTY CASH WATER DEPARTMENT 720.33
SHELL FLEET PLUS 401.04
STEPHEN Q PRESTON 1600
TRANSWOOD LOGISTICS INC 1054.97
VERIZON WIRELESS 168.26
WEST E CON 4932.7
WEX HEALTH INC 33.33
WINDSTREAM 133.09

Department : 30 - SEWER

BIG RED COMMUNICATIONS 127
CASS COUNTY TREASURER 1771.68
H & H SALES INC 82.31
MERCATUS LLC 9260
MIDWEST LABORATORIES INC 394
NEBRASKA PUBLIC POWER DISTRICT 46.6
OLMSTED & PERRY ENGINEERING 25048.15
ONE CALL CONCEPTS INC 46.35
STEPHEN C WARGA 60
STEPHEN Q PRESTON 1600
VERIZON WIRELESS 82.76
WASTE CONNECTIONS OF NEBRASKA INC 120.68

WINDSTREAM 116.26

Department : 37 - ECONOMIC DEVELOPMENT - RIVER FRONT
UMB BANK NA 172201.25

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

ITEM 8 - UNFINISHED BUSINESS

Council member Kerns stated he would be abstaining from any discussion or action on ITEM 8 A, ITEM 8 B AND ITEM 8 C due to a conflict of interest.

ITEM 8 A

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc., discussed the Highway 75 Utility Relocations project. Mr. Perry stated this project needs to be completed before the end of June so the NDOT project of widening Highway 75 can stay on schedule. Two bids were received for the Utility Relocation project and Kerns Excavating Co.'s bid of \$53,337.00 was significantly lower than the competing bid and below the City Engineer's cost estimate for the project. Currently there is an 80/20 cost share, but the City has requested NDOT cover more than 80%. The City's portion of the cost will be funded through an SRF loan agreement. Mr. Perry recommends awarding the contract to Kerns Excavating Co. Motion by Muller seconded by Brookhouser to award and approve the Highway 75 Utility Relocations-Westside Drive Water Main Project (NDOR Project No. 75-2(1072) CN 21209 - Murray to Plattsmouth), and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Brookhouser, Graham, Clark, Muller and Minahan. No-None. Absent-Riese and Forrest. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc., presented Change Order No. 3 submitted by Steve Harris Construction Inc. Mr. Perry said this deduction reflects final quantities and lowers the total project cost to \$886,380.75. Mr. Perry recommends approving Change Order No. 3. Motion by Brookhouser seconded by Minahan to approve Change Order No. 3 (Final) submitted by Steve Harris Construction Inc. for the Vireo Parkway Paving Improvements at the Fourmile Industrial Park (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility) for a deduct of (-) \$29,311.28 in the contract price, and authorize the Mayor to execute Change Order No. 3 (Final). ROLL CALL: Yes-Minahan, Muller, Graham, Clark and Brookhouser. No-None. Absent-Riese and Forrest. Abstain-Kerns. MOTION CARRIED.

ITEM 8 C

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc., reviewed Payment No. 4(Final) submitted by Steve Harris Construction Inc. Completion documentation has been submitted and Mr. Perry recommends approval. Motion by Brookhouser seconded by Graham to approve Contractor's Application for Payment No.4 (Final) submitted by Steve Harris Construction Inc. for the Vireo Parkway Paving Improvements at the Fourmile Industrial Park (2019 Flood

Recovery Project PW#88688- Relocated Wastewater Treatment Facility) in the amount of \$123,281.17 and authorize the Mayor to execute Pay Request No. 4 (Final). ROLL CALL: Yes-Graham, Clark, Brookhouser, Minahan and Muller. No-None. Absent-Riese and Forrest. Abstain-Kerns. MOTION CARRIED.

ITEM 8 D

Emily Bausch, City Administrator, confirmed that RFQ's were sent to six companies and the City received three to review. Of the three received, Terracon stood out because they have done work for the City in the past and have maintained that working relationship. Following discussion, Motion by Brookhouser seconded by Graham to receive Third-Party Consultant RFQ Special Inspection and Materials Testing for the 2019 Flood Recovery - New Relocated Wastewater Treatment Plant & Conveyance Project PW#88688 submitted by Terracon, and authorize City Staff to negotiate the Special Inspection and Material Testing services agreement subject to Council approval. ROLL CALL: Yes-Minahan, Muller, Kerns, Clark, Brookhouser and Graham. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED.

ITEM 8 E

Councilmember Muller introduced an ordinance for second reading numbered and titled as follows: **ORDINANCE NO. 2004: 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 Muller seconded by Brookhouser to approve second reading of Ordinance No. 2004 by title only. ROLL CALL: Yes-Clark, Brookhouser, Graham, Muller, Kerns and Minahan. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read ORDINANCE NO. 2004 into the record by title only.

ITEM 9 - NEW BUSINESS

ITEM 9 A

Stephen Q. Preston, City Attorney, introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 2005: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO VACATE CERTAIN EASEMENTS LOCATED IN THE FOURMILE INDUSTRIAL PARK SUBDIVISION; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF CASS COUNTY, NEBRASKA; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Mr. Preston stated this ordinance is necessary to clean up incorrect easement plots and to restructure the area for road access and the new Wastewater Treatment Plant. Steve Perry PE, Olmsted & Perry Consulting Engineers Inc., confirmed that many of the gas line easements are incorrect and this ordinance will allow the city and gas company to correct errors. Emily Bausch, City Administrator, expressed the potential growth in the Fourmile Industrial Park Subdivision once easements are corrected. Motion by Kerns seconded by Minahan to adopt ORDINANCE NO. 2005 on first reading by title only. ROLL CALL: Yes-Muller, Kerns, Minahan, Brookhouser,

Graham and Clark. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read ORDINANCE NO. 2005 into the record by title only.

Motion by Muller seconded by Brookhouser to suspend the statutory rule that Ordinance No. 2005 be read on three different days and to adopt Ordinance No. 2005 on final reading by title only. ROLL CALL: Yes-Brookhouser, Graham, Clark, Muller, Kerns and Minahan. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read ORDINANCE NO. 2005 into the record by title only.

ITEM 9 B

Pursuant to publication, Mayor Lambert opened a public hearing at 7:20 p.m. to hear and receive public comment regarding replat V of land located at Fourmile Industrial Park, legally described as LOTS 1, 2 AND 3, AND OUTLOTS A AND B, BEING A REPLATTING OF LOTS 2, 4, 5, 6, 10, 11, 12 AND OUTLOT A, FOURMILE INDUSTRIAL PARK AND LOT 2. FOURMILE INDUSTRIAL SITE REPLAT V, BOTH SUBDIVISIONS IN SECTION 26, T12N, R13E OF THE 6TH P.M., CASS COUNTY, NEBRASKA. Steve Perry PE, Olmsted & Perry Consulting Engineers Inc., described the necessity and benefit of replating Fourmile Industrial Park. With this final replat, one lot will be for the new Wastewater Treatment Plant and two five-acre lots for future development. There are also two outlots containing wetlands and gas pipeline easements. 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 coming forward, closed the public hearing at 7:22 p.m.

ITEM 9 C

Emily Bausch, City Administrator, introduced a resolution numbered and titled as follows: **RESOLUTION NO. 23-002: A RESOLUTION TO APPROVE A PRELIMINARY PLAT AND A FINAL PLAT OF A MAJOR SUBDIVISION TO BE KNOWN AS FOURMILE INDUSTRIAL SITE REPLAT V, LOTS 1, 2, AND 3, AND OUTLOTS "A" AND "B", BEING A REPLATTING OF LOTS 2, 4, 5, 6, 10, 11, 12 AND OUTLOT A, FOURMILE INDUSTRIAL PARK AND LOT 2, FOURMILE INDUSTRIAL SITE REPLAT IV, BOTH SUBDIVISIONS IN SECTION 26, T12N, R13E OF THE 6TH P.M., CASS COUNTY, NEBRASKA.** Mrs. Bausch stated that this resolution represents a lot of time invested to get Fourmile Industrial Park replated into a functional area for the Wastewater Treatment Plant and future development. Motion by Kerns seconded by Muller to adopt RESOLUTION NO. 23-002 by title only. ROLL CALL: Yes-Kerns, Minahan, Muller, Graham, Clark and Brookhouser. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read RESOLUTION NO. 23-002 into record by title only.

ITEM 9 D

Emily Bausch, City Administrator, presented the license agreement to Council and stated that the original certificate of insurance has two million aggregate with one million per occurrence. HDPA has presented an amended insurance certificate that has five million aggregate with two million per occurrence. Both options do not meet City requirements. Following discussion, Stephen Q. Preston, City Attorney, reiterated the choices that were before Council. Following

further discussion, Motion by Brookhouser seconded by Clark to approve a License and Management Agreement by and between the City of Plattsmouth, a Nebraska municipal corporation and Historic Downtown Plattsmouth Association, a Nebraska nonprofit corporation for events in the 4th Street Entertainment Plaza scheduled in 2023 with the amended insurance certificate, and authorize the Mayor to execute the License Agreement. ROLL CALL: Yes-Graham, Clark, Brookhouser, Minahan, Muller and Kerns. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED.

Acknowledging concerns of the Council, Mayor Lambert requested volunteers for a subcommittee to review City Insurance Requirements. Council Members Minahan, Brookhouser and Muller volunteered for said subcommittee.

ITEM 9 E

Council member Kerns stated he would be abstaining from any discussion or action on ITEM 9 E due to a conflict of interest.

Motion by Muller seconded by Brookhouser to approve Invoice #17421 submitted by Kerns Excavating Company in the amount of \$600.00 for hauling snow February 18, 2023 and authorize payment. ROLL CALL: Yes-Minahan, Muller, Clark, Brookhouser and Graham. No-None. Absent-Riese and Forrest. Abstain-Kerns. MOTION CARRIED.

ITEM 9 F

Motion by Brookhouser seconded by Minahan to recommend approval of Special Designated License application submitted by Mayden Layne Enterprises dba DC's Waterhole for a Class Reunion being held at St. John the Baptist School, 500 18th St., Plattsmouth, NE July 29, 2023 from 4 p.m. to 12 a.m. ROLL CALL: Yes-Clark, Brookhouser, Graham, Muller, Kerns and Minahan. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Brookhouser seconded by Clark to approve the Sidewalk Café Permit submitted by Papa Reno Pizza Inc. dba Papa Reno 542 Main Street, Plattsmouth, NE and authorize the City to issue the permit. ROLL CALL: Yes-Muller, Kerns, Minahan, Brookhouser, Graham and Clark. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED.

ITEM 12 – Adjourn

8:24 p.m. Motion by Brookhouser seconded by Clark to adjourn. ROLL CALL: Yes-Graham, Brookhouser, Clark, Kerns, Minahan and Muller. No-None. Absent-Riese and Forrest. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk