

PLATTSMOUTH CITY COUNCIL

July 17, 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 July 17, 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 Attorney Stephen Q. Preston and City Clerk Sandra J. Meyer.

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on July 6, 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 PRESENTATION

Emily Bausch, City Administrator and Mayor Lambert recognized Steve Perry, PE, Olmsted & Perry Consulting Engineers for his 39 years of service to the City of Plattsmouth as the City Engineer. A “Key to the City” was presented to Mr. Perry and also one for James Olmsted, PE. Erv Portis, prior City Administrator for the City of Plattsmouth touched on a few of the projects Mr. Perry was involved in starting with Rhylander Park. Mr. Portis stated, Steve is an honest, ethical and conscientious engineer and the city has been extremely well served.

ITEM 7 - CONSENT AGENDA

Motion by Brookhouser seconded by Riese to approve the Consent Agenda as presented.

- A Consider approval of the July 3, 2023 City Council Meeting Minutes
- B Receive Treasurer’s Report
- C Consider approval of claims

Claims Register Report as of 7/17/23

Pay Date: 7/14/23 166524.22
Com Ctr 23324
EMS 26628.81
General 20954.89
Library 8964.13

Parks and Cemetery 7008.19
Police 48166.97
Senior Center 2844.3
Street 13538.8
Water and Sewer 15094.13

Various
Vendor Name
AMERITAS 17506.84
BLUE CROSS BLUE SHIELD 55248.59
FIRST STATE BANK NEBRASKA 571.55
FRATERNAL ORDER OF POLICE 195
INTERNAL REVENUE SERVICE 37095.28
MUTUAL OF OMAHA 7091.85
NEBRASKA DEPARTMENT OF REVENUE 5887.95
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 9901.01
NEBRASKA UNEMPLOYMENT COMP FUND 488.44
PLATTSMOUTH COMMUNITY CENTER 2138.7
TX CHILD SUPPORT SDU 150

Department : 01 - GENERAL ADMINISTRATION

AMAZON.COM SALES INC 119.97
CASS COUNTY REGISTER OF DEEDS 191
CHARTER BUSINESS 39.97
IDEAL PURE WATER 19
IRINA A HARRINGTON 75
KATHRYN SHARP 375
MICROFILM IMAGING SYSTEMS 75
NEBRASKA PUBLIC POWER DISTRICT 682.91
OFFICE DEPOT INC 121.23
OMAHA WORLD HERALD 931.44
SHELL FLEET PLUS 101.3
THE PITNEY BOWES BANK INC 1510
WASTE CONNECTIONS OF NEBRASKA INC 349.57
WINDSTREAM 238.7

Department : 02 - HUMANE/CODE ENFORCEMENT

NEBRASKA PUBLIC POWER DISTRICT 66.44
SHELL FLEET PLUS 104.04

Department : 03 - EMS

ARROW TOWING INC 450
BOUND TREE MEDICAL LLC 2231.42
CHARTER BUSINESS 20.85
IDEAL PURE WATER 28
MATHESON TRI-GAS INC 241.06
NAKEA BAKER 300
NEBRASKA PUBLIC POWER DISTRICT 279.5
REBECCA L GRAF 38.51
ROLLINS INC 34.5

SGP SERVICES INC 561.37
SHELL FLEET PLUS 1092.84
STERICYCLE INC 103.03
UNMC PHYSICIANS CORPORATION 5000
WALKERS INC 21.04
WASTE CONNECTIONS OF NEBRASKA INC 39.65
WINDSTREAM 177.3

Department : 04 - POLICE
AMAZON.COM SALES INC 27.09
AXON ENTERPRISE INC 2572.56
CASS COUNTY REGISTER OF DEEDS 60
CASS COUNTY SHERIFF 3615
GREAT PLAINS UNIFORMS 806.4
GSK LLC 200
H & H SALES INC 329.18
KRISTEN LEIGH STROMSODT 100
SHELL FLEET PLUS 2471.56
WEX HEALTH INC 16.67
WINDSTREAM 349.33

Department : 05 - STREET
JORGE RODRIGUEZ 100
MARK HYDRAULIC CO INC 3196.86
MENARDS 43.76
MULLENAX AUTO SUPPLY 1370.11
NEBRASKA PUBLIC POWER DISTRICT 5242.2
SHAW HARDWARE STORE 28.99
SHELL FLEET PLUS 717.95
WASTE CONNECTIONS OF NEBRASKA INC 323.68
WINDSTREAM 125.07

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 1987.22
BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA 125
CHARTER BUSINESS 65
NEBRASKA PUBLIC POWER DISTRICT 359.55
OCLC ONLINE COMPUTER LIBRARY CENTER INC 536.46
RED BRICK RESOURCES 167.15
TK ELEVATOR CORPORATION THYSSENKRUPP ELEVATOR CORPORATION 223.68
WASTE CONNECTIONS OF NEBRASKA INC 39.64
WINDSTREAM 140.14

Department : 07 - PARKS
B & D DIAMOND PRO 240
CLAY D LINCOLN 400
EGAN SUPPLY CO 357.28
J & J SMALL ENGINE SERVICE 372.34
MULLENAX AUTO SUPPLY 60.12
NEBRASKA PUBLIC POWER DISTRICT 241.91

SHELL FLEET PLUS 241.76
WALKERS INC 14.6
WASTE CONNECTIONS OF NEBRASKA INC 282.97

Department : 08 - CEMETERY

SHELL FLEET PLUS 103.61
SIGNEX INC 74.2
WASTE CONNECTIONS OF NEBRASKA INC 136.13
WINDSTREAM 141.84

Department : 10 - FIRE

CHARTER BUSINESS 20.85
IDEAL PURE WATER 28
NEBRASKA PUBLIC POWER DISTRICT 279.5
ROLLINS INC 34.49
WALKERS INC 21.05
WASTE CONNECTIONS OF NEBRASKA INC 39.65
WINDSTREAM 177.31

Department : 11 - SENIOR CITIZEN CTR

BARONI ENTERPRISES 573.24
NEBRASKA PUBLIC POWER DISTRICT 658.42
REINHART FOODSERVICE LLC 787.09
SHELL FLEET PLUS 93.08

Department : 17 - COMMUNITY CENTER

FIX ENTERPRISES INC 845.43
LORENE WIDDLE 64
NEBRASKA PUBLIC POWER DISTRICT 5925.81
PERMITE CO OF NEB AND IA 150
TK ELEVATOR CORPORATION THYSSENKRUPP ELEVATOR CORPORATION 223.68
WALKERS INC 106.66
WASTE CONNECTIONS OF NEBRASKA INC 253

Department : 18 - AQUATIC

AQUA CHEM INC 2245.9
CHESTERMAN CO 681.96
MENARDS 7.14
NEBRASKA PUBLIC POWER DISTRICT 2266.75
QUALITY FENCE COMPANY 1248
REINHART FOODSERVICE LLC 1088.13
WASTE CONNECTIONS OF NEBRASKA INC 261

Department : 20 - WATER

CORE & MAIN LP 2706.5
FIRST BANKCARD 334.96
MISSISSIPPI LIME COMPANY 6844.8
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 1196.3
NEBRASKA PUBLIC POWER DISTRICT 76.15
OFFICE DEPOT INC 40.41

ONE CALL CONCEPTS INC 60.2
PETTY CASH WATER DEPARTMENT 617.22
SHELL FLEET PLUS 460.55
SIGNEX INC 74.2
WEX HEALTH INC 33.33
WINDSTREAM 132.21

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

Department : 30 - SEWER
FIRST BANKCARD 334.97
FIRST STATE BANK NEBRASKA 76619
MIDWEST LABORATORIES INC 488
NEBRASKA PUBLIC POWER DISTRICT 46.6
ONE CALL CONCEPTS INC 60.2
SIGNEX INC 74.2
STRAND ASSOCIATES INC 194500
WASTE CONNECTIONS OF NEBRASKA INC 120.68
WINDSTREAM 116.32

Department : 37 - ECONOMIC DEVELOPMENT - RIVER FRONT
UMB BANK NA 300

Department : 40 - PLATTSMOUTH KENO
NEBRASKA DEPARTMENT OF REVENUE CHARITABLE GAMING DIVISION 12708

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

ITEM 8 - UNFINISHED BUSINESS

ITEM 8 A

Emily Bausch, City Administrator informed Council the Engineers, Technical Staff and City Staff reviewed the Master Service Agreement submitted by Terracon for the Third-Party Consultant Special Inspection and Materials Testing Agreement (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant). This is a FEMA reimbursable project. Motion by Forrest seconded by Riese to approve the Third-Party Consultant Special Inspection and Materials Testing Agreement (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant) with Terracon and authorize the Mayor to execute the agreement between owner and contractor for Third Party Consultant Special Inspection and Materials Testing in an amount not to exceed \$192,775.00. ROLL CALL: Yes-Riese, Forrest, Minahan, Muller, Clark, Kerns, Brookhouser and Graham. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Emily Bausch, City Administrator informed Mayor and Council she received the insurance required and after review all coverages are satisfactory. No contingency is needed for approval and the coverage meets BNSF requirements. Motion by Brookhouser seconded by Clark to approve construction contract to Valley Corporation for the New Wastewater Treatment Plant Contract No. 3 (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant) and authorize the Mayor to execute the agreement between owner and contractor for construction contract (stipulated price) in the amount of \$17,581,944.49. Following further discussion, ROLL CALL: Yes-Graham, Riese, Kerns, Minahan, Forrest, Brookhouser, Clark and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Emily Bausch, City Administrator stated this project is in conjunction with the Force Main project which is a FEMA reimbursable project. This is not a FEMA reimbursable project but makes sense to do together so Lincoln Avenue is only disturbed once. Insurance certificates have been received and reviewed and are satisfactory. Motion by Muller seconded by Forrest to approve construction contract to Valley Corporation for the Sanitary Sewer Rehabilitation-Lincoln Avenue Project and authorize the Mayor to execute the agreement between owner and contractor for construction contract (stipulated price) in the amount of \$683,459.83. ROLL CALL: Yes-Minahan, Graham, Brookhouser, Kerns, Riese, Muller, Forrest and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. stated this is a progress payment through June. The Pay App was reviewed and Mr. Perry recommended approval. Motion by Forrest seconded by Riese to approve Application for Payment No. 2 from Hawkins Construction Co. for the New Wastewater Treatment Plant Contract No. 2 (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant) in the amount of \$1,119,732.30 and authorize the Mayor to execute Application for Payment No. 2. ROLL CALL: Yes-Forrest, Brookhouser, Riese, Graham, Muller, Clark, Kerns and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Council member Kerns stated he would be abstaining from any discussion or action on ITEM 8 E and ITEM 8 F as he has a conflict of interest.

ITEM 8 E

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Application for Payment No. 1 submitted by Kerns Excavation Co. The work is complete with final water quality testing remaining. Mr. Perry recommended approval of Application for Payment No. 1. Motion by Forrest seconded by Riese to approve Application for Payment No. 1 from Kerns Excavation Co. Inc. for the Highway 75 Utilities Relocation -Westside Drive Water Main in the amount of \$49,218.55 and authorize the Mayor to execute Application for Payment No. 1. ROLL CALL: Yes-Muller, Clark, Brookhouser, Forrest. Minahan, Riese and Graham. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 F

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed the request for Change Order No. 1. The change order is for a five week time extension due to a delay in the production and delivery of the precast manholes. The substantial and final completion would be extended to August 15, 2023. Mr. Perry recommended approval. Motion by Riese seconded by Forrest to approve Change Order No. 1 for the Ave A and 8th Street South Sanitary Sewer Project for a contract time extension and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Clark, Minahan, Riese, Brookhouser, Forrest, Muller and Graham. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 - NEW BUSINESS

ITEM 9 A

Emily Bausch, City Administrator gave background regarding the Preliminary Plat for Club View Acres, the Planning Commission recommendations and the requested waivers by the developer. Fire Mitigation Plan options were reviewed and Title 124 requirements were discussed. Large scale plats were available for review.

Pursuant to publication Mayor Lambert opened a public hearing at 7:37 p.m. to hear and consider public comments regarding a preliminary plat of a major subdivision of property located west of the intersection of Club View Drive and Highway 75, legally described as 17600 Club View Drive; 11-12-13 LOTS 31 & 32 EXC HWY SE1/4 NE1/4 (23.59) and 11-12-13 LOT 28 N1/2 SW1/4 NE1/4 (20). Parcel Id Number are 130162523 and 130162795.

Trevor Veskrna-TD2 (representing the developer)-Seeking approval of the proposed Preliminary Plat for Club View Acres and briefly addressed specifics of the subdivision. Mr. Veskrna stated he was available to answer any questions.

Bob Felthousen, 17810 Hwy 75-Questioned if the city was going to approve mobile or modular homes within this development-if they do, it would make the value go down on surrounding property. Who would be responsible for natural gas to this development?

Todd Schuler, 17314 Club View Drive-Voiced concern regarding the septic systems-would they be governed by county requirements? Asked if there was a plan if Club View Drive to Hwy 75 was not an option for access. Questioned the green space/park. Also questioned if modular homes would be allowed and the minimum size requirements for homes within this development.

Tim Macrander, 624 Nicholas Road-Referenced the number of waivers requested by the developer. Residents get no vote on the representatives (property is within the 2 mile extraterritorial jurisdiction of the city and the residents are county) making decisions on this proposed development.

Dave Stuart, 17904 Hwy 75-The intersection of Club View Drive and Hwy 75 is very dangerous, especially during the rush hour times. Concerned the City approves the proposed development but the residents in the area deal with the county. Feels county and state need to have more input.

Gordon Schull, 18001 6th Street-Lives on 6th Street just north of the project and he already has low water pressure so what is the addition of 22 more homes going to do to his water pressure. Stated Windstream (internet) is terrible-there will need to be some upgrades.

Karen Stiles, 17404 Clubview Drive-Voiced concerns about the intersection of Club View Drive and Hwy 75 and how dangerous it is.

Trevor Veskrna, TD2 addressed some of the questions from speakers at the public hearing. Regarding mobile/modular homes being allowed-an HOA (Home Owners Association) will dictate what is allowed. The developer pays for placement of utilities in the development: Rural Water and Natural Gas. Septic-minimum lot size is 1.25 acres. Perc tests have been done. Fire Protections-there are no fire hydrants . Establishing public park-allow for cash payment. A traffic study has been done and submitted to the NDOT-there are 22 lots and per Mr. Veskrna, the state indicated they are not concerned. The Rural Water district supplying water to this development will install a new 8 inch main at the site.

Mayor Lambert again stated the reason for the public hearing and with no one else coming forward to speak, closed the public hearing at 8:02 p.m.

ITEM 9 B

Council members voiced concerns regarding: Safety at the intersection of Club View Drive and Hwy 75; Septic vs. private wastewater system and by allowing would we be boxing in areas for potential growth of the city; 3 options for Fire Mitigation Plans-1. Tanker in, 2. Subterranean Bunkers, and 3. Home Fire Suppression system which would have to be on a separate tap than the home so each property would require 2 taps and this would have to be approved by the Rural Water District. Motion by Minahan to adopt RESOLUTION NO. 23-004: **A RESOLUTION TO APPROVE THE PRELIMINARY PLAT OF LOTS 1-22, CLUB VIEW ACRES, A MAJOR SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6th P.M., CASS COUNTY, NEBRASKA, AND GENERALLY LOCATED WEST OF THE INTERSECTION OF CLUB VIEW DRIVE AND HIGHWAY 75.** Due to lack of a second, said motion died.

Stephen Q. Preston, City Attorney informed council the resolution before them lists the waivers and requirements recommended by the Planning Commission and any of the items can be removed, changed or other items can be added when making a motion. Following discussion, Motion by Brookhouser seconded by Forrest to postpone consideration of RESOLUTION NO. 23-004: **A RESOLUTION TO APPROVE THE PRELIMINARY PLAT OF LOTS 1-22, CLUB VIEW ACRES, A MAJOR SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6th P.M., CASS COUNTY, NEBRASKA, AND GENERALLY LOCATED WEST OF THE INTERSECTION OF CLUB VIEW DRIVE AND HIGHWAY 75** until the August 21, 2023 regular City Council meeting so staff can do additional study/review of: Traffic; Septic/Sanitary Sewer; County input; and fire suppression. Following further discussion, ROLL CALL: Yes-Graham, Muller, Kerns, Forrest, Clark, Minahan, Riese and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Pursuant to publication Mayor Lambert opened a public hearing at 8:35 p.m. to hear and consider public comments regarding a change to the Plattsmouth Land Development Ordinance Article 7-2 B 6c “accessory buildings”. Emily Bausch, City Administrator reviewed the change request and the memorandum submitted by Adam Denio, Building and Zoning Administrator. No one else spoke. Mayor Lambert again stated the reason for the public hearing and with no one else coming forward to speak, closed the public hearing at 8:39 p.m.

ITEM 9 D

Motion by Muller seconded by Minahan to approve first reading of ORDINANCE NO. 2006: AN ORDINANCE TO AMEND SECTION 7-2 OF THE AUGUST 2006 LAND DEVELOPMENT ORDINANCE, FOR THE CITY OF PLATTSMOUTH, NEBRASKA, RELATED TO SETBACK ADJUSTMENTS, 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-Brookhouser, Clark, Minahan, Riese, Muller, Forrest, Graham and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read ORDINANCE NO. 2006 in to the record by title only.

ITEM 9 E

Council Member Kerns stated he would be abstaining from any discussion or action on this item as he is a potential bidder.

Nate Taylor, Public Works Director reviewed his request to authorize for design and construction phase services for 10 inch water main at North 5th Street and Avenue B. This would be done in conjunction with a leaking water valve and is above the \$50,000.00 bidding threshold. Motion by Brookhouser seconded by Riese to authorize design and construction phase services for 10 inch water main at North 5th Street and Avenue B. ROLL CALL: Yes-Clark, Riese, Brookhouser, Minahan, Graham, Forrest and Muller. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 F

Nate Taylor, Public Works Director reviewed his request for authorization to solicit Request for Proposals (RFP) for maintenance and services agreement for operations and management of the water and wastewater treatment plants. The city is at a critical point in staffing. This would be for the existing plants and current staff would be retained for field work and training on the new wastewater treatment plant through the construction phases. Motion by Brookhouser seconded by Muller to authorize the solicitation for Request for Proposals (RFP) for maintenance and services agreement for operations and management of the water and wastewater treatment facilities. ROLL CALL: Yes-Forrest, Minahan, Graham, Muller, Clark, Brookhouser, Kerns and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Emily Bausch, City Administrator informed council staff (City Administrator, City Attorney, Police Chief, Public Works Director and City Inspector) have met and discussed this issue. The Bellevue model is the preferred model to reach a resolution the city is looking for. Steve Rathman, Chief of Police reviewed the definition of motor vehicles. His preference is the Bellevue model but allow officer discretion. Whatever is passed, the police department staff will educate the public when in violation. Motion by Riese seconded by Brookhouser to receive Chief Rathman's memorandum regarding Non-motorized vehicles parked on city streets and direct staff to draft an ordinance using Bellevue language as a model. ROLL CALL: Yes-Brookhouser, Graham, Clark, Kerns, Minahan, Muller, Riese and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

9:23 p.m. Motion by Brookhouser seconded by Clark to adjourn. ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Clark, Graham, Brookhouser and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk