

# PLATTSMOUTH CITY COUNCIL

August 21, 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 August 21, 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, City Clerk Sandra J. Meyer and Deputy City Clerk Ryan Vulgamott.

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on August 10, 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 PROCLAMATION

There were no Mayoral Proclamations.

## ITEM 7 – CONSENT AGENDA

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

- A Consider approval of the August 7, 2023 City Council Meeting Minutes
- B Consider setting the next regular City Council meeting for Tuesday September 5, 2023 due to the Labor Day Holiday
- C Receive Treasurer's Report
- D Consider approval of claims

Claims Register Report 8/21/2023

Pay Date: 08/11/23 165,638.05

Com Ctr 24,614.87

EMS 26,149.40

General 20,844.03

Library 8,858.93

Parks and Cemetery 8,484.72

Police 46,012.75  
Senior Center 3,221.96  
Street 13,605.58  
Water and Sewer 13,845.81

Various

Vendor Name

AMERITAS 17,810.78  
FIRST STATE BANK NEBRASKA 311.55  
FRATERNAL ORDER OF POLICE 195.00  
INTERNAL REVENUE SERVICE 36,896.97  
NEBRASKA DEPARTMENT OF REVENUE 5,843.56  
COMMUNITY CENTER 2,138.70  
TX CHILD SUPPORT SDU 150.00

ADAM DWORAK 4619.57  
AGRIVISION EQUIPMENT GROUP LLC 316.46  
AMAZON.COM SALES INC 328.61  
AQUA CHEM INC 197  
BAKER & TAYLOR BOOKS 2918.93  
BLACK HILLS ENERGY 38.6  
BLACK HILLS ENERGY 602.28  
BLACK HILLS ENERGY 38.99  
BLACK HILLS ENERGY 286.88  
BLACK HILLS ENERGY 38.6  
BLACK HILLS ENERGY 52.38  
BOUND TREE MEDICAL LLC 3029.93  
CASS COUNTY REGISTER OF DEEDS 100  
CHARTER BUSINESS 65  
CHARTER BUSINESS 625.06  
CHARTER BUSINESS 41.7  
CINTAS CORPORATION #749 261.64  
DAN KOEHLER 145.49  
DEMCO 146.75  
DIGITAL ALLY INC 420  
GREAT PLAINS UNIFORMS 364.49  
H & H SALES INC 198.63  
HD SUPPLY INC 211.3  
HYDRO OPTIMIZATION AND AUTOMATION SOLUTIONS INC 3415.39  
IDEAL PURE WATER 58.5  
IRINA A HARRINGTON 75  
JACOB N SITTNER 1429.2  
JCI INDUSTRIES LLC 6286  
LIFEARTS INTEGRATED HEALTH CENTER PC 135  
MATHESON TRI-GAS INC 310.91  
METRO BILLING SERVICES LLP 2736

MICROFILM IMAGING SYSTEMS 75  
MIDWEST LABORATORIES INC 454  
MISSISSIPPI LIME COMPANY 6911.04  
MULLENAX AUTO SUPPLY 417.36  
MULLENAX AUTO SUPPLY 182.31  
NATIONAL LEAGUE OF CITIES 1239  
NEBRASKA PUBLIC POWER DISTRICT 17621.94  
NEBRASKA PUBLIC POWER DISTRICT 44.64  
NEBRASKA STATE VOLUNTEER FIREFIGHTERS 960  
OFFICE DEPOT INC 71.44  
OLMSTED & PERRY ENGINEERING 2026.85  
OLMSTED & PERRY ENGINEERING 4811.1  
OLMSTED & PERRY ENGINEERING 1556.65  
OLMSTED & PERRY ENGINEERING 89565  
OLMSTED & PERRY ENGINEERING 35876.4  
OMAHA WORLD HERALD 759.43  
ONE CALL CONCEPTS INC 145.1  
OREILLY AUTOMOTIVE INC 222.02  
OXEN TECHNOLOGY 4962  
PLATTSMOUTH VOLUNTEER FIREFIGHTERS ASSOC 3941  
REBECCA L GRAF 10  
REINHART FOODSERVICE LLC 1008.67  
RYAN CRICK 74.25  
STANDARD HEATING & AIR CONDITIONING INC 1220  
STEPHEN Q PRESTON 8000  
STERICYCLE INC 103.03  
STERICYCLE INC 103.03  
STERICYCLE SHRED IT 65.16  
STEVE RATHMAN 52.64  
STRAND ASSOCIATES INC 132000  
STRAND ASSOCIATES INC 27000  
TAYLOR LAWN CARE LLC 700  
THE PITNEY BOWES BANK INC 45.91  
TYLER TECHNOLOGIES 180  
VERIZON WIRELESS 1217.88  
WALKERS INC 163.35  
WATER & SEWER DEPARTMENT 69.73  
WEX HEALTH INC 50  
WINDSTREAM 391.71  
WINDSTREAM 162.26  
WINDSTREAM 17.04  
WINDSTREAM 181.69  
WINDSTREAM 65.28  
WINDSTREAM 97.23  
WINDSTREAM 414.47  
WINDSTREAM 147.96

WITMER PUBLIC SAFETY GROUP INC 6278.97  
MULLENAX AUTO SUPPLY 230.85  
MULLENAX AUTO SUPPLY 51.12  
BOO INC DBA BOBCAT OF OMAHA 1439.92  
CASS COUNTY EMERGENCY MANAGEMENT AGENCY 40  
DPC INDUSTRIES INC 110  
LYMAN RICHEY SAND & GRAVEL CO 995.65  
MICHAEL TODD & COMPANY INC 285  
MOTOROLA SOLUTIONS INC 6546.78  
READY MIX CONCRETE CO 18105.86  
STERICYCLE SHRED IT 65.16  
TRANSWOOD LOGISTICS INC 1040.82  
UTILITIES SECTION LEAGUE OF NEB MUNICIPALITIES 2059  
VOGEL WEST INC 2712.4

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

#### ITEM 8 – UNFINISHED BUSINESS

##### ITEM 8 A

Emily Bausch, City Administrator, stated the City's engineering and design team have reviewed pay app 3 and recommend approval. The project is staying on track and drone footage of the progress should be available soon. Motion by Forrest seconded by Clark to approve Application for Payment No. 3 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 \$2,635,029.90 and authorize the Mayor to execute Application for Payment No. 3. ROLL CALL: Yes-Brookhouser, Graham, Forrest, Clark, Muller, Kerns, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

##### ITEM 8 B

Council member Kerns stated he would be abstaining from any discussion or action on ITEM 8 B because of a conflict of interest.

Emily Bausch, City Administrator, informed Council of the continued delay of precast manholes and recent wet weather are factors for the requested time extension on the Ave A & 8<sup>th</sup> Steet project. Motion by Riese seconded by Brookhouser to approve Change Order No. 2 for Kerns Excavating Co. Inc. 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. 2. ROLL CALL: Yes-Riese, Minahan, Muller, Clark, Forrest, Graham and Brookhouser. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 C

Council member Forrest introduced an ordinance numbered and titled as follows: **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** Motion by Muller seconded by Brookhouser to adopt ORDINANCE NO. 2006 on third and final reading by title only. ROLL CALL: Yes-Kerns, Minahan, Riese, Muller, Graham, Forrest, Clark and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read ORDINANCE NO. 2006 into the record by title only.

ITEM 8 D

Emily Bausch, City Administrator, introduced a resolution numbered and titled as follows: **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 6<sup>th</sup> P.M., CASS COUNTY, NEBRASKA, AND GENERALLY LOCATED WEST OF THE INTERSECTION OF CLUB VIEW DRIVE AND HIGHWAY 75.** Adam Denio, City Inspector, confirmed that Mr. Tincher has met all City subdivision requirements and addressed Council's concerns expressed at the July 17, 2023 council meeting. Emily Bausch, City Administrator, confirmed the city still reserves the right to annex the subdivision as part of the City's Comprehensive Plan, but it will be subject to a cost/benefit analysis. Following discussion Motion by Kerns seconded by Riese to adopt RESOLUTION NO. 23-004 by title only. Following further discussion, ROLL CALL: Yes-Forrest, Graham, Clark, Minahan, Kerns and Riese. No-Brookhouser and Muller. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read RESOLUTION NO. 23-004 into the record by title only.

ITEM 8 E

Emily Bausch, City Administrator, informed Council that Eagle Engineering staff has previously worked with the City's past Engineer Steve Perry PE, Olmsted & Perry Consulting Engineers Inc., and their familiarity with Plattsmouth make them an ideal choice for this project. Motion by Forrest seconded by Minahan to approve a professional services agreement with Eagle Engineering Group, LLC for \$15,765 to design a water main repair project at 5th and Ave B and authorize Mayor to execute the agreement. ROLL CALL: Yes-Graham, Forrest, Clark, Brookhouser, Kerns, Riese, Minahan and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Pursuant to publication Mayor Lambert opened a public hearing at 8:01 p.m. to hear and consider public comments on the acquisition of the following easements, each to be acquired pursuant to the terms of a purchase agreement with the property owner and in connection with the City's 2019 Flood Recovery - New Relocated Wastewater Treatment Plant & Conveyance Project PW#88688:

1. A permanent sidewalk easement and a temporary construction easement located on Lot 4, Stiles Addition, Cass County, Nebraska.
2. A temporary construction easement located on Outlot 19 being situate in the SE 1/4, of the SW1/4 of Section 18, T12N, R14E, of the 6<sup>th</sup> P.M., Cass County, Nebraska.
3. A permanent sidewalk easement and a temporary construction easement located on Lot 4R, Skylark Subdivision, Cass County, Nebraska.
4. A permanent sidewalk easement and a temporary construction easement located on Lots 1 and 2 O'Neill's Addition, Cass County, Nebraska.
5. A permanent sidewalk easement and a temporary construction easement located on Lot 1A, Lyckberg's 3<sup>rd</sup> Subdivision, Cass County, Nebraska.
6. A permanent utility easement and a temporary construction easement located on Lot 140 being situate in the NE1/4, NW1/4, Section 19, T12N, R14E of the 6<sup>th</sup> PM, Cass County, Nebraska.
7. A temporary construction easement located on Lot 7, Porter Place, Cass County, Nebraska.

Mayor Lambert again stated the reason for the public hearing and with no one coming forward to speak, closed the public hearing at 8:03 p.m.

#### ITEM 9 B

Following discussion, Motion by Forrest seconded by Riese to consolidate and approve the following agreements for the acquisition of certain easements, each agreement having been negotiated and prepared by Midwest Right of Way Services, Inc. as directed by the City pursuant to the terms of the Right of Way Acquisition Services Agreement between the City and Midwest and in connection with the City's 2019 Flood Recovery - New Relocated Wastewater Treatment Plant & Conveyance Project PW#88688, and authorize the Mayor to execute the agreements and such other documents as may be necessary to close each of the real estate purchase transactions described therein:

1. Purchase Agreement between the City of Plattsmouth and Larry Taylor for the acquisition of a permanent sidewalk easement and a temporary construction easement located on Lot 4, Stiles Addition, Cass County, Nebraska.
2. Purchase Agreement between the City of Plattsmouth and Daniel and Patricia Cunningham for the acquisition a temporary construction easement located on Outlot 19 being situate in the SE 1/4, of the SW1/4 of Section 18, T12N, R14E, of the 6<sup>th</sup> P.M., City of Plattsmouth, Cass County, Nebraska.
3. Purchase Agreement between the City of Plattsmouth and Crystal Mattson and Alexander Bax, for the acquisition of a permanent sidewalk easement and a temporary construction easement located on Lot 4R, Skylark Subdivision, Cass County, Nebraska.
4. Purchase Agreement between the City of Plattsmouth and Dana Newburn for the acquisition of a permanent sidewalk easement and a temporary construction easement located on Lots 1 and 2 O'Neill's Addition, Cass County, Nebraska.
5. Purchase Agreement between the City of Plattsmouth and Jack and Elvira Lyckberg for the acquisition of a permanent sidewalk easement and a temporary construction easement located on Lot 1A, Lyckberg's 3<sup>rd</sup> Subdivision, Cass County, Nebraska.
6. Purchase Agreement between the City of Plattsmouth and Harry Kennedy and Carolyn Crouse-Kennedy for the acquisition of a permanent utility easement and a temporary

construction easement located on Lot 140 being situate in the NE1/4, NW1/4, Section 19, T12N, R14E of the 6<sup>th</sup> PM, Cass County, Nebraska.

7. Purchase Agreement between the City of Plattsmouth and Bernard Von Tersch for the acquisition of a temporary construction easement located on Lot 7, Porter Place, Cass County, Nebraska.

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

#### ITEM 9 C

Motion by Forrest seconded by Brookhouser to receive the memo on condemned property at 218 7<sup>th</sup> Ave, Plattsmouth, NE legally described as the Plattsmouth – OT Thompson’s Add W47’ Lots 8 & 9 Blk 5, City of Plattsmouth, Cass County Nebraska and authorize City Attorney to file civil action for abatement. ROLL CALL: Yes-Muller, Kerns, Minahan, Riese, Brookhouser, Graham, Forrest and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9 D

Motion by Muller seconded by Forrest to receive the memo on condemned property at 342 1<sup>st</sup> Ave, Plattsmouth, NE legally described as the Plattsmouth – OT S49 ½ Lot 8 Blk 33, City of Plattsmouth, Cass County Nebraska and authorize City Attorney to file civil action for abatement. ROLL CALL: Yes-Brookhouser, Graham, Forrest, Clark, Kerns, Minahan, Riese and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Out of consideration for the City Inspector ITEM 9 J was moved up the agenda to after ITEM 9 D.

#### ITEM 9 J

Motion by Brookhouser seconded by Forrest to approve a Sidewalk Café Permit submitted by Tiffany Grimm DBA Herban Coffee & Blooms LLC 527 Main St, Plattsmouth, NE and authorize the City to issue the Permit. ROLL CALL: Yes-Kerns, Minahan, Riese, Muller, Graham, Forrest, Clark and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9 E

Motion by Forrest seconded by Muller to receive the memo on condemned property at 415 S 5<sup>th</sup> St, Plattsmouth, NE legally described as the Plattsmouth – OT N ½ Lot 7 Blk 62, City of Plattsmouth, Cass County Nebraska and authorize City Attorney to file civil action for abatement. ROLL CALL: Yes-Graham, Forrest, Clark, Brookhouser, Minahan, Riese, Muller and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 23-008: AUTHORIZE THE MAYOR TO SIGN THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2023. Motion by Riese seconded by Clark to adopt RESOLUTION NO. 23-008 by title only. ROLL CALL: Yes-Minahan, Riese, Muller, Kerns, Forrest, Clark, Brookhouser and Graham. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read RESOLUTION NO. 23-008 into the record by title only.

ITEM 9 G

Motion by Forrest seconded by Clark to approve a License and Management Agreement (Cruisin' Main) by and between the City of Plattsmouth, Nebraska, a Nebraska municipal corporation and Plattsmouth Chamber of Commerce, a Nebraska nonprofit corporation for an annual event scheduled to be held September 15, 2023. ROLL CALL. Yes-Forrest, Clark, Brookhouser, Graham, Riese, Muller, Kerns and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Forrest seconded by Riese to approve a License and Management Agreement (Harvest Festival) by and between the City of Plattsmouth, Nebraska, a Nebraska municipal corporation and Plattsmouth Harvest Festival Club, a Nebraska nonprofit corporation for an annual festival scheduled to be held September 7, 2023 through September 10, 2023. Following discussion Council member Forrest withdrew his motion.

Following further discussion Motion by Minahan seconded by Brookhouser to approve a License and Management Agreement (Harvest Festival) by and between the City of Plattsmouth, Nebraska, a Nebraska municipal corporation and Plattsmouth Harvest Festival Club, a Nebraska nonprofit corporation for an annual festival scheduled to be held September 7, 2023 through September 10, 2023 with the proposed insurance coverage provided by Licensee at the meeting, contingent upon review by City Staff of the Licensee's Insurance policy and any significant gaps in coverage to be brought back to council at the September 5, 2023 meeting. ROLL CALL: Yes-Riese, Muller, Kerns, Minahan, Clark, Brookhouser, Graham and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 I

Emily Bausch, City Administrator, referenced the memo from Nate Taylor, Public Works Director, about emergency repairs needed at the Wastewater Treatment Plant and answered Councils questions. Motion by Brookhouser seconded by Graham to authorize the City to hire JCI of Lincoln, NE to do emergency repairs on the south intermediate clarifier of the Wastewater Treatment Plant and authorize the Mayor to execute documents pertaining to the same. ROLL CALL: Yes-Clark, Brookhouser, Graham, Forrest, Muller, Kerns, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.



ITEM 9 K

Motion by Muller seconded by Brookhouser to recommend approval of Special Designated License application submitted by Church of the Holy Spirit for a School Fundraiser being held at St. John the Baptist School Gymnasium, 508 S. 18<sup>th</sup> St, Oct 07, 2023, from 5:00 p.m. to 12:00 a.m. ROLL CALL: Yes-Muller, Kerns, Minahan, Riese, Brookhouser, Graham, Forrest and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

9:16 p.m. Motion by Brookhouser seconded by Clark to adjourn. ROLL CALL: Yes-Clark, Riese, Forrest, Minahan, Graham, Kerns, Brookhouser and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk