

PLATTSMOUTH CITY COUNCIL

November 6, 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 November 6, 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 November 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

ITEM 6 A

Mayor Lambert proclaimed November 25, 2023 as “Small Business Saturday” in the City of Plattsmouth.

ITEM 7 – CONSENT AGENDA

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

- A Consider approval of the October 16, 2023 City Council Meeting Minutes
- C Consider approval of claims

Claims Register Report as of 11/6/23

Pay Date: 11/3/23 160191.48

Com Ctr 8490.68
EMS 26679.92
General 21664.94
Library 9601.71
Parks and Cemetery 6560.6

Police 55928.93
Senior Center 3689.87
Street 12424.69
Water and Sewer 15150.14

Pay Date: 10/20/23 153392.37

Com Ctr 7947.51
EMS 25305.62
General 20940.71
Library 9548.96
Parks and Cemetery 6560.61
Police 48942.14
Senior Center 3479.27
Street 15502.05
Water and Sewer 15165.5

Various

Vendor Name
AMERITAS 38100.97
BLUE CROSS BLUE SHIELD 59144.35
FIRST STATE BANK NEBRASKA 623.1
FRATERNAL ORDER OF POLICE 375
INTERNAL REVENUE SERVICE 71919.72
MUTUAL OF OMAHA 9304.63
NEBRASKA DEPARTMENT OF REVENUE 11688.61
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 8416.61
PLATTSMOUTH COMMUNITY CENTER 2184.44
TX CHILD SUPPORT SDU 300

Department : 01 - GENERAL ADMINISTRATION

ACCESS TECHNOLOGIES INC 330.06
AMAZON.COM SALES INC 155.98
BLACK HILLS ENERGY 38.75
BOMGAARS SUPPLY 12.99
BROADCAST MUSIC INC 210.5
CASS COUNTY TREASURER 441
CHARTER BUSINESS 198.11
F S I AGENCY LLC 74453.95
FIRST BANKCARD 157.1
KATHRYN SHARP 125
LEAGUE OF NEB MUNICIPALITIES 1080
MARCUS LINCOLN HOTEL LLC 110
NEXT GENERATION PROPERIES OF NEBRASKA LLC 20311.94
OFFICE DEPOT INC 196.64
OLMSTED & PERRY ENGINEERING 682.5
PITNEY BOWES INC 132.79
SHELL FLEET PLUS 60.8

VERIZON WIRELESS 85.74
WALKERS INC 97.02
WASTE CONNECTIONS OF NEBRASKA INC 11429.12

Department : 02 - HUMANE/CODE ENFORCEMENT
SHELL FLEET PLUS 116.05

Department : 03 - EMS
ACCESS TECHNOLOGIES INC 51.09
ALADTEC INC 3534
AMAZON.COM SALES INC 110.88
BLACK HILLS ENERGY 23.37
BOUND TREE MEDICAL LLC 2878.97
CHARTER BUSINESS 17.47
FIRST BANKCARD 7.07
IDEAL PURE WATER 30.75
FORT DEARBORN LIFE INSURANCE CO 51.6
LIFEARTS INTEGRATED HEALTH CENTER PC 110
MATHESON TRI-GAS INC 226.28
METRO BILLING SERVICES LLP 1632
OFFICE DEPOT INC 40.14
ROLLINS INC 34.5
SHELL FLEET PLUS 1191.26
SMA ENTERPRISE INC 532.39
STERICYCLE INC 103.03
VERIZON WIRELESS 171.59
WALKERS INC 42.08

Department : 04 - POLICE
ACCESS TECHNOLOGIES INC 225.69
AMAZON.COM SALES INC 324.37
CASS COUNTY SHERIFF 3615
DAVID WALKER 257.63
FIRST BANKCARD 222.99
H & H SALES INC 85.26
OFFICE DEPOT INC 26.3
POMPS TIRE SERVICE INC 1583.56
SHELL FLEET PLUS 2835.45
TAYLOR LAWN CARE LLC 1500
TYLER REIFF 149.8
VERIZON WIRELESS 280.07

Department : 05 - STREET
BLACK HILLS ENERGY 82.17
BOMGAARS SUPPLY 39.9
CINTAS CORPORATION #749 766.48
CORNHUSKER INTERNATIONAL TRUCKS INC 583.82
DAN KOEHLER 334

H & H SALES INC 2226.1
NSG LOGISTICS LLC 7946.07
OLMSTED & PERRY ENGINEERING 1005.8
SHELL FLEET PLUS 558.63
SUSPENSION SHOP INC 684.28
VERIZON WIRELESS 222.44
VOGEL WEST INC 621.92

Department : 06 - LIBRARY
ACCESS TECHNOLOGIES INC 123.51
BAKER & TAYLOR BOOKS 1745.24
BLACK HILLS ENERGY 39.9
EGAN SUPPLY CO 289.83
ELM USA INC 393.34
FIRST BANKCARD 1040.88
WINDSTREAM 191.62

Department : 07 - PARKS
BNSF RAILROAD COMPANY 6.14
BOMGAARS SUPPLY 38.06
CHARTER BUSINESS 33.09
CLAY D LINCOLN 200
ODEYS INC 6380
SHELL FLEET PLUS 194.69
WALKERS INC 14.6

Department : 08 - CEMETERY
BLACK HILLS ENERGY 38.75
BOMGAARS SUPPLY 747.36
NEBRASKA PUBLIC POWER DISTRICT 37.31
SHELL FLEET PLUS 83.44
TILSON AUTOMOTIVE 280.36
VERIZON WIRELESS 42.87
WINDSTREAM 174.41

Department : 10 - FIRE
ACCESS TECHNOLOGIES INC 51.09
AMERICAN TEST CENTER 610
BLACK HILLS ENERGY 23.38
BOMGAARS SUPPLY 29.9
CHARTER BUSINESS 17.47
FELD FIRE 3186
FIRST BANKCARD 683.67
FORT DEARBORN LIFE INSURANCE CO 158.24
IDEAL PURE WATER 30.75
ROLLINS INC 34.49
WALKERS INC 42.1

Department : 11 - SENIOR CITIZEN CTR
CHARTER BUSINESS 138.51
FIRST BANKCARD 54
HYVEE 498.92
OFFICE DEPOT INC 23.14
REINHART FOODSERVICE LLC 3000.57
SHELL FLEET PLUS 100.99
STRATUS BUILDING SOLUTION OF ARIZONA 219
WALKERS INC 127.8

Department : 12 - DEBT SERVICE
BOKF NATIONAL ASSOCIATION 315175

Department : 16 - ECONOMIC DEVELOPMENT
OLMSTED & PERRY ENGINEERING 575

Department : 17 - COMMUNITY CENTER
ACCESS TECHNOLOGIES INC 123.51
AQUA CHEM INC 3965
BROADCAST MUSIC INC 105.25
CHARTER BUSINESS 415.52
CHESTERMAN CO 291.17
EGAN SUPPLY CO 459.1
FIRST BANKCARD 159.09
JEREMY J MASID 4830
MONICA WALRATH 183.78
OFFICE DEPOT INC 37.3
STRATUS BUILDING SOLUTION OF ARIZONA 1870
THE WALDINGER CORPORATION 12412.07
WALKERS INC 159.99

Department : 18 - AQUATIC
BLACK HILLS ENERGY 38.75
CHARTER BUSINESS 33.09
BROADCAST MUSIC INC 105.25

Department : 20 - WATER
AGRIVISION EQUIPMENT GROUP LLC 5.9
ATLAS AUTOMATION LLC 1192
BLACK HILLS ENERGY 38.75
BOMGAARS SUPPLY 224.52
C A ENTERPRISES INC 184.1
CASS COUNTY RURAL WATER DISTRICT NO 1 91444.5
CONTRACTOR SOLUTIONS OF NEBRASKA LLC 3785
CORE & MAIN LP 1646.04
DPC INDUSTRIES INC 70
EAGLE ENGINEERING GROUP LLC 7869.25
F S I AGENCY LLC 15940.9

FIRST BANKCARD 1116.4
H & H SALES INC 34.24
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 311.11
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 223
NEBRASKA PUBLIC POWER DISTRICT 1825.42
OFFICE DEPOT INC 17.55
OLMSTED & PERRY ENGINEERING 52583.95
SHELL FLEET PLUS 465.42
TYLER TECHNOLOGIES 90
VERIZON WIRELESS 168.62
WATER & SEWER DEPARTMENT 162.31

Department : 24 - DRUG FORFEITURE
H & H SALES INC 400
VERIZON WIRELESS 40.95

Department : 30 - SEWER
BLACK HILLS ENERGY 474.65
BOMGAARS SUPPLY 103.83
F S I AGENCY LLC 15940.9
FIRST BANKCARD 1116.4
H & H SALES INC 34.24
NEBRASKA PUBLIC POWER DISTRICT 2097.75
OFFICE DEPOT INC 17.55
OLMSTED & PERRY ENGINEERING 459.1
OMAHA MAIL INC 168.04
PRUITT OUTDOOR POWER 1172.77
TERRACON CONSULTANTS INC 12819.5
TYLER TECHNOLOGIES 90
VERIZON WIRELESS 40.01
WINDSTREAM 52.5

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

ITEM 8 – UNFINISHED BUSINESS

ITEM 8 A

Motion by Riese seconded by Clark to approve Contractor's Application for Payment No. 1 from Valley Corporation in the amount of \$168,662.29 for the New Wastewater Treatment Plant Contract 3-Raw Wastewater Force Mains (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Plant) and authorize the Mayor to execute Application for Payment No. 1.
ROLL CALL: Yes-Graham, Brookhouser, Kerns, Clark, Muller, Minahan, Forrest and Riese.
No-None. Absent- None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Brookhouser seconded by Kerns to approve Change Order No. 3 (Final) from VanWinkle Construction Services LLC dba Lakeview Construction for the 2023 PC Concrete Repair Project in the amount of \$ (+)\$71,149.20 and authorize the Mayor to execute Change Order No. 3. ROLL CALL: Yes-Riese, Minahan, Clark, Brookhouser, Forrest, Muller, Kerns and Graham. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Kerns seconded by Riese to approve Application for Payment No. 3 (Final) from Lakeview Constructio. for the 2023 PC Concrete Repair Project in the amount of \$109,513.40 and authorize the Mayor to execute Pay Request No.3. ROLL CALL: Yes-Clark, Graham, Muller, Riese, Minahan, Kerns, Brookhouser and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Council member Kerns stated he would be abstaining from any discussion or action on this item as he has a conflict of interest.

Motion by Brookhouser seconded by Riese to approve Application for Payment No. 1 from Kerns Excavating Co. Inc. for the Oakmont Drive Water Main Improvement Project (FEMA Project No. 101799) in the amount of \$100,338.93 and authorize the Mayor to execute Pay Request No.1. ROLL CALL: Yes-Muller, Forrest, Minahan, Brookhouser, Clark, Graham and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 E

Motion by Muller seconded by Brookhouser to approve first reading of ORDINANCE NO. 2011: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO AMEND SECTION 4-101 OF ARTICLE I, CHAPTER IV OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 WHICH SECTION PROVIDES DEFINITIONS FOR VEHICLE AND TRAFFIC REGULATIONS; TO AMEND SECTION 4-313 OF ARTICLE III, CHAPTER IV OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 WHICH SECTION PROVIDES THE MAXIMUM TIME LIMIT FOR VEHICLE PARKING; 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, Minahan, Clark, Graham, Kerns, Forrest, Muller and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read ORDINANCE NO. 2011 in to the record by title only.

ITEM 9 – NEW BUSINESS

Emily Bausch, City Administrator advised Council the Omaha World Herald was having technical issues and was unable to publish the Notice of Public Hearing for Item 9 A in a timely manner.

Staff is not comfortable proceeding with the public hearing and would ask the council to consider tabling Item 9 A and Item 9 B to the next regularly scheduled meeting so Notice of Public Hearing can be published to meet state statute requirements.

Motion by Forrest seconded by Riese to table: ITEM 9 A: PUBLIC HEARING: Hear public comment regarding a proposed Special Use Permit for a General Daycare located at 816 6th Ave; legally described as Plattsmouth Lots 10, 11, 12 and 13, block 2 Stadelmanns addition, along with adjacent vacated alley, and lots 1, 2 and 3, block 1, Donelans addition, both additions to the City of Plattsmouth, Cass County Nebraska.; and ITEM 9 B: Consider RESOLUTION NO. 23-010: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO GRANT A SPECIAL USE PERMIT TO MAGIC LAND MANAGEMENT LLC TO ALLOW FOR THE DAYCARE SERVICES (GENERAL) USE TYPE ON CERTAIN PROPERTY WITHIN AN URBAN RESIDENTIAL MEDIUM-DENSITY (R-2) DISTRICT AND LOCATED AT 816 6TH AVE, SUBJECT TO THE CONDITIONS STATED HEREIN to the next regularly scheduled Plattsmouth City Council Meeting (November 20, 2023). ROLL CALL: Yes-Forrest, Muller, Kerns, Graham, Brookhouser, Clark, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED

ITEM 9 C

Council member Muller introduced a resolution numbered and titled as follows: RESOLUTION NO. 23-009: Signing of the Year-End Certification of City Street Superintendent 2023. Motion by Muller seconded by Minahan to adopt RESOLUTION NO. 23-009 by title only. ROLL CALL: Yes-Minahan, Kerns, Muller, Clark, Riese, Graham, Forrest and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read RESOLUTION NO. 23-009 in to the record by title only.

ITEM 9 D

Motion by Minahan seconded by Clark to approve a Right-of-Entry Access Agreement with Kappas Enterprises and authorize the Mayor to execute the same (2019 Flood Recovery Project PW#88690 – Relocated Drinking Water Facility). ROLL CALL: Yes-Brookhouser, Graham, Clark, Kerns, Minahan, Muller, Riese and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED

ITEM 9 E

Motion by Riese seconded by Minahan to approve a Right-of-Entry Access Agreement with Timothy and Rhonda Gibbons and authorize the Mayor to execute the same (2019 Flood Recovery Project PW#88690 – Relocated Drinking Water Facility). ROLL CALL: Yes-Kerns, Riese, Graham, Brookhouser, Muller, Forrest, Minahan and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Clark seconded by Riese to approve the appointment of Kerri Schwab to the Plattsmouth Housing Authority Board of Commissioners to fill a vacancy which has a term that expires 05/2027. ROLL CALL: Yes-Graham, Kerns, Muller, Forrest, Riese, Minahan, Clark and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

7:38 p.m. Motion by Brookhouser seconded by Clark 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