

## PLATTSMOUTH CITY COUNCIL

December 4, 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 December 4, 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 November 22, 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 Citizens Delegation.

### ITEM 6 – MAYORAL RECOGNITION

Mayor Lambert commended the Plattsmouth Volunteer Fire Department for their outstanding illness and injury prevention efforts and for receiving the 2023 Dr. William Jenaway Illness and Injury Prevention award. Fire Chief Mike Wilson, Asst. Fire Chief Jon Hardy, Safety Officer Bobby Taylor and Firefighter Joe Gradoville were present to receive the award. Fire Chief Mike Wilson thanked the Mayor and City Council for their support of the Fire Department and thanked his safety officers and firefighters for their continued efforts to make the department safe and efficient.

### ITEM 7 – CONSENT AGENDA

Motion by Brookhouser seconded by Clark to approve the consent agenda as presented.

- A Consider approval of the November 20, 2023 City Council Meeting Minutes
- B Receive 2023 Lane Mile Report and direct Clerk to place a copy on file
- C Consider approval of the appointment of the following proposed new member to the Plattsmouth Volunteer Fire Department: Dawson Hardesty
- D Consider approval of the Plattsmouth Volunteer Fire Department Roster

- E Consider approval of the appointment of the following proposed new volunteer member to the Plattsmouth EMS Department: Steven Wilkie
- F Consider approval of the Plattsmouth Emergency Medical Services Roster
- G Consider a motion to ratify all actions, including the election of nominees to the LIGHT Board of Directors, of R. Paul Lambert, our LIGHT representative, identified in the minutes of the Annual Members' Meeting of the League Insurance Government Health Team (LIGHT) on September 29, 2023
- H Consider approval of Contractor's Application for Payment No. 2 from Valley Corporation in the amount of \$587,619.37 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. 2
- I Consider approval of claims

Claims Register Report as of 12/4/23

Pay Date: 12/1/23                      165539.94

Com Ctr 7482.01  
 EMS 31152.22  
 General 26845.78  
 Library 9497.7  
 Parks and Cemetery 6829.4  
 Police 53050.53  
 Senior Center 3103.77  
 Street 12224.48  
 Water and Sewer 15354.05

Pay Date: 12/1/23 LONGEVITY              29760

Com Ctr 1500  
 EMS 1200  
 General 4140  
 Library 1020  
 Parks and Cemetery 1200  
 Police 13440  
 Senior Center 0  
 Street 4560  
 Water and Sewer 2700

Various

Vendor Name

AMERITAS 23154.14  
BLUE CROSS BLUE SHIELD 62048.61  
FIRST STATE BANK NEBRASKA 311.55  
FRATERNAL ORDER OF POLICE 180  
INTERNAL REVENUE SERVICE 43708.53  
MUTUAL OF OMAHA 7279.08  
NEBRASKA DEPARTMENT OF REVENUE 6754.21  
PLATTSMOUTH COMMUNITY CENTER 2312.84  
TX CHILD SUPPORT SDU 150

Department : 01 - GENERAL ADMINISTRATION

ACCESS TECHNOLOGIES INC 532.48  
AMAZON.COM SALES INC 44.18  
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 224.37  
BOMGAARS SUPPLY 5.99  
CHARTER BUSINESS 198.11  
FIRST BANKCARD 1533.78  
KATHRYN SHARP 250  
OFFICE DEPOT INC 61.91  
OXEN TECHNOLOGY 2289.6  
THOMPSON DREESSEN & DORNER INC 645.25  
WALKERS INC 97.02  
WASTE CONNECTIONS OF NEBRASKA INC 234.89

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 48.54

Department : 03 - EMS

ACCESS TECHNOLOGIES INC 77.28  
BOUND TREE MEDICAL LLC 342.93  
FIRST BANKCARD 1109.3  
FORT DEARBORN LIFE INSURANCE CO 68.8  
MATHESON TRI-GAS INC 209.52  
METRO BILLING SERVICES LLP 1776  
REBECCA L GRAF 20  
STERICYCLE INC 103.03  
WALKERS INC 21.04

Department : 04 - POLICE

ACCESS TECHNOLOGIES INC 277.23  
AMAZON.COM SALES INC 32.2  
AMY RICHTER 64.18  
DAVID WALKER 99.53  
FIRST BANKCARD 300  
H & H SALES INC 293  
JACKS UNIFORMS & EQUIPMENT 310.79

OREILLY AUTOMOTIVE INC 174.94  
POLICE CHIEFS ASSOC OF NEBRASKA 100  
TYLER REIFF 20

Department : 05 - STREET  
AA WHEEL & TRUCK SUPPLY 7.62  
BOMGAARS SUPPLY 182.57  
CINTAS CORPORATION #749 103.44  
COMMUNITY FIRST NATIONAL BANK 39968.52  
ECHO GROUP INC 603.19  
FIRST STATE BANK NEBRASKA 98239  
JACOB N SITTNER 2510  
MARK HYDRAULIC CO INC 767.61  
MICHAEL TODD & COMPANY INC 2951.1  
SIGNEX INC 336.8

Department : 06 - LIBRARY  
ACCESS TECHNOLOGIES INC 259.02  
BAKER & TAYLOR BOOKS 1314.72  
DIANERENEE LUNDHOLM YOVEL 150  
FIRST BANKCARD 1010.26  
OXEN TECHNOLOGY 381.6  
PPE INC 219  
RUTH A MERWAID 150

Department : 07 - PARKS  
BOMGAARS SUPPLY 212.07  
CHARTER BUSINESS 33.09  
TILSON AUTOMOTIVE 297  
WALKERS INC 14.6

Department : 08 - CEMETERY  
AMAZON.COM SALES INC 63.98  
SIGNEX INC 276.8  
WINDSTREAM 174.1

Department : 10 - FIRE  
ACCESS TECHNOLOGIES INC 77.28  
BOMGAARS SUPPLY 5.45  
FIRST BANKCARD 2796.78  
FORT DEARBORN LIFE INSURANCE CO 158.24  
WALKERS INC 21.05

Department : 11 - SENIOR CITIZEN CTR  
HYVEE 619.71  
OFFICE DEPOT INC 72.16  
REINHART FOODSERVICE LLC 982.9  
STRATUS BUILDING SOLUTION OF ARIZONA 219

Department : 12 - DEBT SERVICE  
FIRST STATE BANK NEBRASKA 111735.25

Department : 16 - ECONOMIC DEVELOPMENT  
CASS COUNTY NEBRASKA ECONOMIC DEV 3750

Department : 17 - COMMUNITY CENTER  
ACCESS TECHNOLOGIES INC 203.3  
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 112.19  
AQUA CHEM INC 926.4  
EGAN SUPPLY CO 407.89  
FIRST BANKCARD 1315.65  
JONAS FITNESS INC 609.36  
PPE INC 169  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
WALKERS INC 106.66

Department : 18 - AQUATIC  
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 112.19  
CHARTER BUSINESS 33.09

Department : 20 - WATER  
ACCESS TECHNOLOGIES INC 60  
AMAZON.COM SALES INC 29.99  
BOMGAARS SUPPLY 348.29  
CORE & MAIN LP 198  
FIRST BANKCARD 360.16  
MISSISSIPPI LIME COMPANY 6847.56  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 38024.58  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 60  
NEBRASKA PUBLIC POWER DISTRICT 3968.55  
OLMSTED & PERRY ENGINEERING 10410  
OXEN TECHNOLOGY 686.88  
SAFE FAST INC 167.84  
SIGNEX INC 111.3  
TYLER TECHNOLOGIES 90  
VESSCO INC 1872.5

Department : 30 - SEWER  
ACCESS TECHNOLOGIES INC 60  
AMAZON.COM SALES INC 29.44  
BOMGAARS SUPPLY 70.48  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 55638.82  
NEBRASKA PUBLIC POWER DISTRICT 1950.07  
OXEN TECHNOLOGY 457.92  
SIGNEX INC 111.3  
TYLER TECHNOLOGIES 90

Department : 40 - PLATTSMOUTH KENO  
ADVANCED GAMING TECHNOLOGIES INC 252.05  
VERIZON WIRELESS 168.62  
VESSCO INC 3443.01  
WATER & SEWER DEPARTMENT 1171  
WEX HEALTH INC 33.33  
WINDSTREAM 165.89

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

Department : 30 - SEWER  
BIG RED COMMUNICATIONS 127  
BLACK HILLS ENERGY 647.02  
MIDWEST LABORATORIES INC 396  
MIDWEST RIGHT OF WAY SERVICES INC 8915.55  
MULLENAX AUTO SUPPLY 92.4  
NEBRASKA PUBLIC POWER DISTRICT 61.6  
NIJOSK INC 867.65  
ONE CALL CONCEPTS INC 78.46  
OXEN TECHNOLOGY 457.92  
STEPHEN Q PRESTON 1600  
STRAND ASSOCIATES INC 206012.5  
TERRACON CONSULTANTS INC 9130.5  
VERIZON WIRELESS 40.01  
WINDSTREAM 66.78

Department : 37 - ECONOMIC DEVELOPMENT - RIVER FRONT  
UMB BANK NA 6665

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

#### ITEM 8 – UNFINISHED BUSINESS

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

#### ITEM 8 A

Motion by Riese seconded by Muller to approve Application for Payment No. 4 from Kerns Excavating Co. Inc. for the Avenue A & 8th Street South Sanitary Sewer Project in the amount of \$28,044.45 and authorize the Mayor to execute Pay Request No.4. ROLL CALL: Yes-Brookhouser, Riese, Muller, Clark, Graham, Minahan and Forrest. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Motion by Forrest seconded by Brookhouser to approve Change Order No. 1 for the Oakmont Drive Water Main Improvement Project (FEMA Project No. 101799) for a contract time extension and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Muller, Clark, Graham, Minahan, Forrest, Brookhouser and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 C

Motion by Forrest seconded by Muller to approve Application for Payment No. 2 from Kerns Excavating Co. Inc. for the Oakmont Drive Water Main Improvement Project (FEMA Project No. 101799) in the amount of \$39,509.44 and authorize the Mayor to execute Pay Request No.2. ROLL CALL: Yes-Minahan, Graham, Forrest, Riese, Brookhouser, Clark and Muller. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 D

Motion by Muller seconded by Clark to approve third and final 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-Forrest, Kerns, Riese, Brookhouser, Clark, Muller, Minahan and Graham. No-None. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney, read ORDINANCE NO. 2011 into record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

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

Emily Bausch, City Administrator, informed Council that the Osage Ranch Lift Station is nearing the end of its useful life and is due for replacement. This will be an opportune time to relocate the Lift Station since the current facility is hard to access. Mrs. Bausch reminded Council that this is not a FEMA project, but replacement has been budgeted this year. Motion by Brookhouser seconded by Forrest to authorize the solicitation of bids for the Osage Ranch Lift Station Replacement Project. ROLL CALL: Yes-Riese, Brookhouser, Clark, Muller, Minahan, Graham and Forrest. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

Josh Charvat, Executive Director of Cass County Nebraska Economic Development Council, discussed the need for a current county wide housing study. Mr. Charvat stated many businesses require a current study before they will build in new areas; this study will also let municipalities know what areas of housing need to be focused on for desired growth. Following discussion, Motion by Forrest seconded by Graham to approve conditional commitment to the Cass County Nebraska Economic Development Council's 2024 County-wide Housing Study in the amount of \$5,000. ROLL CALL: Yes-Clark, Muller, Minahan, Graham, Forrest, Kerns, Riese and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Josh Charvat, Executive Director of Cass County Nebraska Economic Development Council, gave Council a year-end review on community / business relationships and collaborative project opportunities. The official year-end report will be available by March 2024 for Council review. NO ACTION TAKEN.

ITEM 9 D

Motion by Forrest seconded by Clark to appointment Justin Stark, Olsson, as the City of Plattsmouth Street Superintendent for calendar year 2024. ROLL CALL: Yes-Muller, Kerns, Minahan, Riese, Brookhouser, Graham, Forrest and Clark. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Nate Taylor, Public Works Director, informed Council that the requested flail mower is something the City previously rented to determine need and ease of use. With the amount of work this equipment can perform for the City it would make sense to buy instead of continuing to rent. Mr. Taylor has budgeted this item and recommends Council approval. Motion by Forrest seconded by Riese to authorize purchase of a new 30" Flail Mower from Bobcat of Omaha, NE in the amount of \$9,565.75 for use by the public works department. ROLL CALL: Yes-Brookhouser, Graham, Forrest, Clark, Muller, Kerns, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Nate Taylor, Public Works Director, reminded council this rollover/purchase is an annual agreement the City has with Bobcat of Omaha, NE. By trading for a new machine each year the City avoids upkeep and repair expenses that come with operating the same piece of equipment for multiple years. Motion by Brookhouser seconded by Forrest to authorize a trade in rollover/purchase of a new 2023 S76 T4 Bobcat Skid Steer Loader from Bobcat of Omaha, NE in the amount of \$5,500.00 for use by the public works department. ROLL CALL: Yes-Kerns, Minahan, Riese, Muller, Graham, Forrest, Clark and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.



## ITEM 9 G

Pursuant to publication, Mayor Lambert opened a public hearing at 7:42 p.m. to hear public comment regarding 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 temporary construction easement located on Lots 6 and 7, O'Neill's Addition, a Subdivision in Cass County, Nebraska.
2. A temporary construction easement located on Lot 1 Fourmile Industrial Site Replat IV as surveyed, platted, and recorded in Cass County, City of Plattsmouth, Nebraska.
3. A temporary construction easement located on Lot 1 Fourmile Industrial Site Replat III as surveyed, platted, and recorded in Cass County, City of Plattsmouth, Nebraska.
4. A temporary construction easement located on (a) Outlot 2 and Lot 9 being situate in the NW 1/4 of the NE 1/4 of Section 25, T12N, R13E of the 6<sup>th</sup> PM, Cass County, Nebraska; (b) Lot 2 being situate in the NE1/4, NE1/4, Section 26, T12N, R13E of the 6<sup>th</sup> PM, City of Plattsmouth, Nebraska; (c) Outlot 5 in the NE 1/4, NW 1/4, Section 25, T12N, R13E, east of the 6th PM, City of Plattsmouth, Nebraska; and (d) Outlot 3 in the NW1/4, NE1/4, Section 25, T12N, R13 E east of the 6th PM, City of Plattsmouth, Nebraska.
5. A temporary construction easement and a permanent sidewalk easement located on Lot 1C, Lyckberg's 3<sup>rd</sup> Subdivision, Cass County, Nebraska.

No one 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 7:44 p.m.

## ITEM 9 H

Stephen Q. Preston, City Attorney, informed council of a correction to ITEM 9 H Purchase Agreement 2; the agreement is with Con-Cret, LLC not D-Squared, LLC and Council motion needs to reflect this correction.

Motion by Muller seconded by Brookhouser to amend Purchase Agreement 2, changing D-Squared, LLC to Con-Cret, LLC, 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 Karen S. Walker for the acquisition of a temporary easement construction located on Lots 6 and 7, O'Neill's Addition, a Subdivision in Cass County, Nebraska.
2. Purchase Agreement between the City of Plattsmouth and Con-Cret, LLC ~~D-Squared, LLC~~ for the acquisition a temporary construction easement on Lot 1 Fourmile Industrial Site Replat IV as surveyed, platted, and recorded in Cass County, City of Plattsmouth, Nebraska.
3. Purchase Agreement between the City of Plattsmouth and D-Squared, LLC for the acquisition of a temporary construction easement on Lot 1 Fourmile Industrial Site Replat III as surveyed, platted, and recorded in Cass County, City of Plattsmouth, Nebraska.
4. Purchase Agreement between the City of Plattsmouth and Wiles Bros., Inc. for the acquisition of temporary construction easements located on (a) Outlot 2 and Lot 9 being situate in the NW 1/4 of the NE 1/4 of Section 25, T12N, R13E of the 6<sup>th</sup> PM, Cass County, Nebraska; (b) Lot 2 being situate in the NE1/4, NE1/4, Section 26, T12N, R13E of the 6<sup>th</sup> PM, City of Plattsmouth, Nebraska; (c) Outlot 5 in the NE 1/4, NW 1/4, Section 25, T12N, R13E, east of the 6th PM, City of Plattsmouth, Nebraska; and (d) Outlot 3 in the NW1/4, NE1/4, Section 25, T12N, R13 E east of the 6th PM, City of Plattsmouth, Nebraska.
5. Purchase Agreement between the City of Plattsmouth and William and Barbara Saucier for the acquisition of a permanent sidewalk easement and a temporary construction easement located on Lot 1C, Lyckberg's 3<sup>rd</sup> Subdivision, Cass County, Nebraska.

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

#### ITEM 9 I

Mayor Lambert opened the floor for nominations for City Council President for the 2024 term:

Council Member Clark nominated Council Member Forrest.

Council Member Brookhouser nominated Council Member Minahan.

Council Member Riese moved to close nominations. With no other nominations presented Mayor Lambert closed nominations.

Each Council Member present cast a ballot: 2 Votes for Forrest; 6 Votes for Minahan.

Mayor Lambert declared Council Member Sean Minahan as the Plattsmouth City Council President for the 2024 Term based on the votes cast by Council Members present.

ITEM 12

At 7:55 p.m. Motion by Brookhouser seconded by Riese to Adjourn. ROLL CALL: Yes-Minahan, Riese, Muller, Kerns, Forrest, Clark, Brookhouser and Graham. No-None. Absent-None. Abstain-None. MOTION CARRIED.

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R. Paul Lambert, Mayor

ATTEST:

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Sandra J. Meyer, City Clerk