

PLATTSMOUTH CITY COUNCIL

December 5, 2016

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 5, 2016 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Joe Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Larry Welch Jr.

Notice of this meeting was given in advance by publication in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

ITEM 5-CITIZEN DELEGATION

No one spoke.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7 CONSENT AGENDA

Motion by Tilson, seconded by Wiemer to approve the Consent Agenda and additional claims contingent on CDBG Administrator concurrence:

- A Consider approval of the November 21, 2016 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 12/5/16

Dept Name / Vendor Name Amount

Pay Date: 11/23/16 & Longevity

Com Ctr 9906.56

EMS 9027.04

General 18333.91

Library 10473.49

Parks and Cemetery 4652.3

Police 47335.28

Senior 2928.55  
Street 19363.63  
Water and Sewer 19577.62

141598.38

Various

AMERICAN FAMILY LIFE 629.12  
AMERITAS 14240.51  
AMERITAS LIFE INSURANCE CORP 155.02  
BLUE CROSS BLUE SHIELD 60679.19  
CENTRAL UNITED LIFE INSURANCE 265.44  
COLLECTION SERVICES CENTER 280.8  
DELTA DENTAL PLAN 2692.9  
EYE MED VISION CARE 403.84  
FRATERNAL ORDER OF POLICE 180  
HARTFORD LIFE INSURANCE COMPANY 466.8  
INTERNAL REVENUE SERVICE 25905.85  
MUTUAL OF OMAHA 807.59  
NEBRASKA DEPARTMENT OF REVENUE 3529.54  
PLATTSMOUTH COMMUNITY CENTER 42.8  
PLATTSMOUTH STATE BANK 720.01

Department : 01 - GENERAL ADMINISTRATION

AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 168.48  
BLACK HILLS ENERGY 163.89  
CHARTER BUSINESS 47.63  
DUGAN BUSINESS FORMS 415.63  
FIRST BANKCARD 842.1  
KONICA MINOLTA PREMIER FINANCE 249  
MENARDS 15.64  
MR EDS FLAGPOLE CO 90  
PLATTSMOUTH COMMUNITY SCHOOL 4722.5  
SHAW HARDWARE STORE 8.58  
THE PITNEY BOWES BANK INC 485  
WASTE CONNECTIONS OF NEBRASKA INC 9426.9  
WELCH LAW FIRM LLC 6000

Department : 03 - EMS

FORT DEARBORN LIFE INSURANCE CO 123.84  
KATHRYN SHARP 434.48  
KONICA MINOLTA PREMIER FINANCE 38.5  
MATHESON TRI-GAS INC 67.88  
STERICYCLE INC 193.05  
WALKERS INC 13.87

Department : 04 - POLICE  
FIRST BANKCARD 336.15  
KONICA MINOLTA PREMIER FINANCE 154

Department : 05 - STREET  
ALLIED OIL & TIRE CO 884.7  
BLACK HILLS ENERGY 46.78  
BOMGAARS SUPPLY 1048.82  
FASTENAL COMPANY 40.16  
FIRST BANKCARD 212.87  
LYMAN RICHEY CORPORATION 3833.55  
PROFESSION WASTE WATER SERVICES 85.5  
SHAW HARDWARE STORE 8.35  
TERRY LINDSEY 269.76  
W W SANDBLASTING 3000

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 1221.47  
BLACK HILLS ENERGY 30.7  
BOMGAARS SUPPLY 3.5  
CHARTER BUSINESS 26  
FIRST BANKCARD 2300.39  
GALE/CENGAGE LEARNING 43.64  
KONICA MINOLTA PREMIER FINANCE 154  
OKEEFE ELEVATOR CO INC 414  
UNIVERSAL MEDIA CORP 239

Department : 07 - PARKS  
AVERY RENTS 104.14  
BLACK HILLS ENERGY 53.58  
BOMGAARS SUPPLY 127.05  
CHARTER BUSINESS 33.91  
FASTENAL COMPANY 10.14  
WATKINS CONCRETE BLOCK CO 274.78

Department : 08 - CEMETERY  
BOMGAARS SUPPLY 29.96  
NEBRASKA PUBLIC POWER DISTRICT 31.06

Department : 10 - FIRE  
FIRST BANKCARD 970.26  
FORT DEARBORN LIFE INSURANCE CO 172  
KATHRYN SHARP 434.49  
KONICA MINOLTA PREMIER FINANCE 38.5  
WALKERS INC 13.88

Department : 11 - SENIOR CITIZEN CTR  
BLACK HILLS ENERGY 96.39

BOKF NATIONAL ASSOCIATION 1500

Department : 12 - DEBT SERVICE

FIRST BANKCARD 83.98

PLATTSMOUTH STATE BANK 103806.25

RECORD AUTOMATIC DOORS INC 1700

Department : 16 - ECONOMIC DEVELOPMENT

HYVEE 251.98

SEND D 1181.74

Department : 17 - COMMUNITY CENTER

4IMPRINT INC 577.84

AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 84.24

BLACK HILLS ENERGY 867.46

BOMGAARS SUPPLY 18.87

DAVID D WARREN 64

DEBRA S FLAHERTY 545.6

FIRST BANKCARD 533.47

KONICA MINOLTA PREMIER FINANCE 154

KS STATEBANK 1048

STRATUS BUILDING SOLUTION OF ARIZONA 2089

WALKERS INC 57.6

Department : 18 - AQUATIC

AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 84.24

BLACK HILLS ENERGY 22.25

Department : 20 - WATER

BLACK HILLS ENERGY 138.52

BOMGAARS SUPPLY 26.76

CUMMINS CENTRAL POWER LLC 677.1

DPC INDUSTRIES INC 244

FIRST BANKCARD 46.92

HD SUPPLY WATERWORKS LTD 1980.84

IMPACT MANUFACTURING 300

MISSISSIPPI LIME COMPANY 3778.5

NE DEPT OF HEALTH & HUMAN SERVICES PERMITS 342.5

NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 109836.94

NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 108

NEBRASKA PUBLIC POWER DISTRICT 5972.06

PETTY CASH WATER DEPARTMENT 354.31

ROLLET BROS LOGISTICS INC 643.1

SEI SECURITY EQUIPMENT 380.5

WELCH LAW FIRM LLC 2000

Department : 30 - SEWER

AMERICAN UNDERGROUND SUPPLY LLC 42.07

BLACK HILLS ENERGY 437.99  
BOMGAARS SUPPLY 361.35  
FASTENAL COMPANY 10.94  
LYMAN RICHEY SAND & GRAVEL CO 65.75  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 517805.01  
NEBRASKA PUBLIC POWER DISTRICT 2082.31  
WELCH LAW FIRM LLC 2000  
WINDSTREAM 51.03

ROLL CALL: Yes-Riese, Kerns, Derby, Brookhouser, Porter, Dugan, Tilson and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council member Brookhouser introduced an ordinance numbered and titled as follows: Ordinance No. 1911A: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ANNEXING CERTAIN LANDS ADJACENT TO THE CITY OF PLATTSMOUTH, NEBRASKA AND DEFINING THE BOUNDARIES THEREOF AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET;THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF**

**THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERSECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES MORE OR LESS; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Brookhouser, seconded by Wiemer that Ordinance No. 1911A be approved on third and final reading by title only as presented. ROLL CALL: Yes-Tilson, Wiemer, Porter, Dugan, Kerns, Derby, Riese and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Ervin Portis, City Administrator read ORDINANCE NO. 1911A in to the record by title only.

ITEM 8 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 2 (Final) submitted by AZS Industries LLC dba Splashtacular in the amount of \$25,215.00 for the Twin Rivers Slide Tower Stair and Platform Replacement project and recommended approval of payment. Motion by Derby, seconded by Riese to approve Contractor's Application for Payment No. 2 (Final) submitted by AZS Industries LLC dba Splashtacular in the amount of \$25,215.00 for the Twin Rivers Slide Tower Stair and Platform Replacement project and authorize the Mayor to execute Pay Application No. 2 (Final). ROLL CALL: Yes-Brookhouser, Dugan, Derby, Porter, Wiemer, Tilson, Kerns and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9

7:03 p.m. Motion by Porter, seconded by Brookhouser to adjourn. On a voice vote, MOTION CARRIED.

Ervin Portis, City Administrator administered the Oath of Office to the newly elected City Council Members: Steve Riese-Ward 1, Cheryl Grimshaw-Ward 2, Wanda Wiemer-Ward 3 and Terry C. Kerns-Ward 4.

7:09 p.m. Answering Roll Call to the reconvening City Council Meeting: John Porter, Terry Kerns, Jeanie Brookhouser, Cheryl Grimshaw, Steve Riese, Joe Dugan, Wanda Wiemer and Doug Derby.

Mayor Lambert publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

ITEM 4 - CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 5-CONSENT AGENDA

Motion by Kerns, seconded by Brookhouser to approve the consent agenda as presented:

- A Consider recommendation of approval of a Special Designated License filed by Nebraska Corn Grower's Association for the Annual Customer Appreciation Dinner being held at Church of the Holy Spirit, 520 South 18<sup>th</sup> Street, Plattsmouth on January 24, 2017 (alternate date of January 31, 2017) from 5:00 p.m. to 12:00 a.m.
- B Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole, 441 Main Street for a Holiday Party, being held at Plattsmouth Community Center, 308 South 18<sup>th</sup> Street, Plattsmouth on January 14, 2017 from 3:00 p.m. to midnight

ROLL CALL: Yes-Riese, Brookhouser, Grimshaw, Dugan, Kerns, Wiemer, Porter and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 6-NEW BUSINESS

ITEM 6 A

Council member Riese introduced a resolution numbered and titled as follows: **RESOLUTION NO. 16-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA EXPRESSING THEIR APPRECIATION TO OUTGOING CITY COUNCIL MEMBER TERRY TILSON FOR HIS YEARS OF ELECTIVE SERVICE TO THE CITIZENS OF PLATTSMOUTH.**

Motion by Riese, seconded by Brookhouser to approve RESOLUTION NO. 16-035 by title only.

**RESOLUTION NO. 16-035**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA EXPRESSING THEIR APPRECIATION TO OUTGOING CITY COUNCIL MEMBER TERRY TILSON FOR HIS YEARS OF ELECTIVE SERVICE TO THE CITIZENS OF PLATTSMOUTH.**

**WHEREAS**, Public officers stand in a fiduciary relation to the people whom they have been elected or appointed to serve;

**WHEREAS**, Terry D. Tilson was elected in 2004 to the Plattsmouth City Council by Ward 2 constituents;

**WHEREAS**, City Councilmember Tilson, along with all of his City Council peers, served and faithfully executed his fiduciary duties on behalf of Plattsmouth's citizens;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of Plattsmouth, Nebraska that City Councilmember Terry D. Tilson is thanked for his twelve years of service to Plattsmouth's Ward 2 and to all of Plattsmouth's citizens.

**PASSED AND APPROVED** this 5<sup>th</sup> day of December, 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Administrator, Ervin Portis read RESOLUTION NO. 16-035 in to the record by title only. ROLL CALL: Yes-Derby, Wiemer, Dugan, Riese, Grimshaw, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 6 B

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest with regard to real estate negotiations and asked that the City Attorney, Larry Welch Jr. and the City Engineer, Steve Perry PE be included in the Closed Session. 7:13 p.m. Motion by Kerns, seconded by Grimshaw to convene to Closed Session to protect the public interest with regard to real estate negotiations and that City Attorney, Larry Welch Jr. and City Engineer, Steve Perry PE be included in the closed session. ROLL CALL: Yes-Porter, Kerns. Brookhouser, Grimshaw, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest with regard to real estate negotiations.

8:30 p.m. Motion by Derby, seconded by Brookhouser to reconvene in to regular session. ROLL CALL: Yes-Derby, Wiemer, Dugan, Riese, Grimshaw, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9

8:33 p.m. Motion by Porter, seconded by Kerns to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk