

PLATTSMOUTH CITY COUNCIL

March 18, 2019

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 March 18, 2019 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Wanda Weimer, Steve Riese, Morgan Muller, Terry Kerns, Cheryl Grimshaw, Doug Derby and Jeanie Brookhouser. Council Members Absent: Sean Minahan. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Stephen Q. Preston.

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on March 7, 2019 in the Plattsmouth Journal. 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 PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA

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

- A Consider approval of the March 4, 2019 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 3/18/19

Pay Date: 3/15/19	111010.82
Com Ctr	
EMS	
General 21915.11	
Library 7769.61	
Parks and Cemetery 4722.85	
Police 36863.37	
Senior 1955.2	
Street 21672.9	
Water and Sewer 16111.78	

Various

Vendor Name

AMERITAS 15828.85
FRATERNAL ORDER OF POLICE 180
INTERNAL REVENUE SERVICE 25917.71
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16
NEBRASKA DEPARTMENT OF REVENUE 3928.28
PLATTSMOUTH COMMUNITY CENTER 42.8
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION

AGA ASSOCIATION OF GOVNMNT ACCOUNTANTS 110
BLACK HILLS ENERGY 1000
IDEAL PURE WATER 25.35
IRINA A HARRINGTON 75
KONICA MINOLTA BUSINESS SOLUTIONS 98.76
LEAGUE OF NEB MUNICIPALITIES 754
MICROFILM IMAGING SYSTEMS 75
MULLENAX AUTO SUPPLY 126.88
NEBRASKA PUBLIC POWER DISTRICT 274.51
OFFICE DEPOT INC 83.15
THE COLUMBUS TELEGRAM 311.08
TODD K HINTZE 13.25
VERIZON WIRELESS 82.78
WASTE CONNECTIONS OF NEBRASKA INC 59.19
WINDSTREAM 238.76

Department : 02 - HUMANE/CODE ENFORCEMENT

MID AMERICA PEST CONTROL INC 100
NEBRASKA PUBLIC POWER DISTRICT 242.65
VERIZON WIRELESS 40.01

Department : 03 - EMS

CHARTER BUSINESS 8.45
IDEAL PURE WATER 21.5
KONICA MINOLTA BUSINESS SOLUTIONS 11.04
MATHESON TRI-GAS INC 390.28
NEBRASKA PUBLIC POWER DISTRICT 476.21
REBECCA L GRAF 1317.56
ROLLINS INC 110
SHANE LOHMEIER 749.22
TODD K HINTZE 10.1
VERIZON WIRELESS 168.07
WALKERS INC 31.76
WASTE CONNECTIONS OF NEBRASKA INC 19.73
WINDSTREAM 179.27

Department : 04 - POLICE
CASS COUNTY SHERIFF 3615
CITY OF COUNCIL BLUFFS 60
DIGITAL ALLY INC 34
EVA PETERSEN 130
JACKS UNIFORMS & EQUIPMENT 174.89
KONICA MINOLTA BUSINESS SOLUTIONS 95.47
MIDLAND PRINTING AND BUSINESS FORMS INC 229.82
VERIZON WIRELESS 161.71
WINDSTREAM 329.62

Department : 05 - STREET
BGNE INC 151.68
CINTAS CORPORATION #749 311.24
DES MOINES STAMP MFG COMPANY 71
LINDER TIRE & AUTO INC 24
LYMAN RICHEY SAND & GRAVEL CO 4038.89
MENARDS 7.99
MICHAEL TODD & COMPANY INC 1062.56
MULLENAX AUTO SUPPLY 1311.01
MURPHY TRACTOR AND EQUIPMENT 163.98
NEBRASKA PUBLIC POWER DISTRICT 5760.73
NEBRASKA SALT & GRAIN CO 1666.25
NEBRASKA TURF PRODUCTS 778.5
PAVERS INC 4349.37
VERIZON WIRELESS 124.17
WASTE CONNECTIONS OF NEBRASKA INC 153.71
WICKS STERLING TRUCKS INC 93.72
WINDSTREAM 94.4

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 1590.92
BLACK HILLS ENERGY 359.75
CHARTER BUSINESS 65
KONICA MINOLTA BUSINESS SOLUTIONS 98.89
NEBRASKA PUBLIC POWER DISTRICT 523.51
OCLC ONLINE COMPUTER LIBRARY CENTER INC 161.51
WASTE CONNECTIONS OF NEBRASKA INC 19.74
WINDSTREAM 147.77

Department : 07 - PARKS
BLACK HILLS ENERGY 227.33
CHARTER BUSINESS 37.03
LINDER TIRE & AUTO INC 15
NEBRASKA PUBLIC POWER DISTRICT 271.15
TEDS MOWER SALES AND SERVICE 72.21
THE COLUMBUS TELEGRAM 6.32
VERIZON WIRELESS 41.39

WASTE CONNECTIONS OF NEBRASKA INC 162.4

Department : 08 - CEMETERY

MULLENAX AUTO SUPPLY 164.33

TEDS MOWER SALES AND SERVICE 83.58

VERIZON WIRELESS 41.39

WINDSTREAM 119.37

Department : 10 - FIRE

CHARTER BUSINESS 8.46

IDEAL PURE WATER 21.5

KONICA MINOLTA BUSINESS SOLUTIONS 11.04

NEBRASKA PUBLIC POWER DISTRICT 476.21

TODD K HINTZE 10.1

WALKERS INC 31.74

WASTE CONNECTIONS OF NEBRASKA INC 19.73

WINDSTREAM 179.27

Department : 11 - SENIOR CITIZEN CTR

BLACK HILLS ENERGY 245.42

HYVEE 55.27

MULLENAX AUTO SUPPLY 154.37

NEBRASKA PUBLIC POWER DISTRICT 783.77

OFE OIL INC 89.1

THE THOMPSON COMPANY 3638.84

WALKERS INC 153.7

Department : 16 - ECONOMIC DEVELOPMENT

CASS COUNTY NEBRASKA ECONOMIC DEV 3750

Department : 17 - COMMUNITY CENTER

AQUA CHEM INC 262.5

BLACK HILLS ENERGY 2208.82

CASSANDRA STRAWSER 75

CASSIE THOMAS 210

ELIZABETH GLUP 99.95

KONICA MINOLTA BUSINESS SOLUTIONS 116.22

MICHAEL LENNEN 41.76

NEBRASKA PUBLIC POWER DISTRICT 7053.96

VERIZON WIRELESS 41.39

WALKERS INC 33.8

Department : 18 - AQUATIC

BLACK HILLS ENERGY 15.33

NEBRASKA PUBLIC POWER DISTRICT 100.91

Department : 20 - WATER

BLACK HILLS ENERGY 45.68

CORE & MAIN LP 3022.32
DPC INDUSTRIES INC 268
MISSISSIPPI LIME COMPANY 4277.2
MULLENAX AUTO SUPPLY 66.39
NEBRASKA PUBLIC POWER DISTRICT 92.29
ONE CALL CONCEPTS INC 10.89
PETTY CASH WATER DEPARTMENT 479.68
RGS REPAIR INC 90.5
RICHARD A COMI 832.7
SARGENT DRILLING 4342.45
TRANSWOOD LOGISTICS INC 960.6
VERIZON WIRELESS 5.41
WINDSTREAM 173.05

Department : 24 - DRUG FORFEITURE
VERIZON WIRELESS 43.87

Department : 30 - SEWER
BLACK HILLS ENERGY 2031.74
BOO INC DBA BOBCAT OF OMAHA 137.52
DPC INDUSTRIES INC 100
HACH COMPANY 2633.52
MENARDS 111.19
MICHAEL ALEXEN 30.37
MULLENAX AUTO SUPPLY 216.28
NIJOSK INC 1550
OFFICE DEPOT INC 315.1
ONE CALL CONCEPTS INC 10.89
VERIZON WIRELESS 1.39
WASTE CONNECTIONS OF NEBRASKA INC 56.1
WINDSTREAM 50.23

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he has a conflict of interest. Motion by Grimshaw seconded by Muller to approve Invoice #14955 from Kerns Excavating Company for Snow Hauling – February 2019 in the amount of \$5,110.00 and authorize payment. Erv Portis, City Administrator stated that this was a contract that was put out for bids and Kerns Excavating was the best and lowest bid. ROLL CALL: Yes-Wiemer, Brookhouser, Muller, Derby, Grimshaw and Riese. No-None. Absent-Minahan. Abstain-Kerns. MOTION CARRIED.

7:06 p.m. Council Member Minahan arrived.

ITEM 8 B

Erv Portis, City Administrator reviewed the situation with the Southeast Nebraska Development District and recommended approval. Following discussion, Motion by Riese seconded by Wiemer to approve terminating the 2007 City of Plattsmouth and Southeast Nebraska Development District (SENDD) Contract for Administrative Assistance to administer the Economic Development Plan (using Program Income from Community Development Block Grant funds per Section 11(c) of Article 11 of the Contract) and direct the City Administrator to provide written notice of the same to SENDD as required by Contract. ROLL CALL: Yes-Grimshaw, Riese, Derby, Brookhouser, Kerns, Muller, Minahan and Wiemer. 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 7:07 p.m. to hear and receive public comment regarding an ordinance to amend section 11-1 of the August 2006 Land Development Ordinance for the City of Plattsmouth related to the purposes of the nonconforming development regulations; to amend section 11-5 related to nonconforming uses. No one spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:09 p.m.

ITEM 9 B

Council member Riese introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1950: AN ORDINANCE TO AMEND SECTION 11-1 OF THE AUGUST 2006 LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PLATTSMOUTH RELATED TO THE PURPOSES OF THE NONCONFORMING DEVELOPMENT REGULATIONS; TO AMEND SECTION 11-5 RELATED TO NONCONFORMING USES; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Erv Portis, City Administrator stated that this was to provide flexibility but still have control through the Special Use Permit process. Motion by Riese seconded by Grimshaw to approve first reading of ORDINANCE NO. 1950 by title only. ROLL CALL: Yes-Minahan, Brookhouser, Wiemer, Muller, Derby, Grimshaw, Riese and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1950 in to the record by title only.

ITEM 9 C

Council member Brookhouser introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1951: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A

COMBINED UTILITIES REVENUE BOND, 2019 SERIES, OF THE CITY OF PLATTSMOUTH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED SEVENTY-SIX THOUSAND FIVE HUNDRED NINETY DOLLARS (\$876,590) IN THE FORM OF A PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROVING THE FORM OF SAID BOND (ISSUED AS A SINGLE PROMISSORY NOTE) AND RELATED CONTRACT FOR LOAN THERETO; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE WATERWORKS PLANT AND DISTRIBUTION SYSTEM AND THE SANITARY SEWER PLANT AND SYSTEM OWNED OR TO BE OWNED BY THE CITY FOR THE PAYMENT OF SAID BOND; PROVIDING FOR THE ISSUANCE AND SALE OF SAID BOND; AUTHORIZING THE DELIVERY OF SAID BOND AND RELATED CONTRACT FOR LOAN THERETO TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; DETERMINING THAT INTEREST ON SAID BOND SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SAID BOND; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Erv Portis, City Administrator gave a timeline referring to the 1st SRF Agreement a few months back. Department of Environmental Quality (DEQ) has agreed to the SRF Amendment: adding 2 additional projects.

Motion by Brookhouser seconded by Derby to suspend the statutory rule requiring reading an ordinance on three different days and that Ordinance No. 1951 be adopted on first reading by title only. ROLL CALL: Yes-Wiemer, Riese, Muller, Minahan, Kerns, Grimshaw, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1951 in to the record by title only. Council member Kerns moved for final passage of Ordinance No. 1951 on 3rd and final reading by title only, which motion was seconded by Grimshaw. ROLL CALL: Yes-Kerns, Muller, Derby, Wiemer, Grimshaw, Minahan, Brookhouser and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1951 in to the record by title only.

ITEM 9 E

Motion by Muller seconded by Wiemer to authorize publishing notice for a solicitation of bids for the 2019 Concrete Patching Repair project with an estimated 19,464 square feet in various locations as identified in Exhibit B of the Construction Agreement. ROLL CALL: Yes-Brookhouser, Derby, Grimshaw, Kerns, Minahan, Muller, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Erv Portis, City Administrator played a video in the City Hall Conference Room, that was taken from a drone that RDG Planning and Design brought down on Sunday, March 17, 2019, to all council members and anyone in attendance at the meeting.

ITEM 9 D

Council member Brookhouser introduced a resolution numbered and titled as follows: RESOLUTION NO. 19-003: Official declaration of intent under Internal Revenue Code Regulation to provide for the incurring of indebtedness which may include reimbursement of expenditures made by the City in connection with the construction of flood control improvements including, but not limited to, dikes, levees, road construction, reconstruction and any other flood-related expenditures for which the City may lawfully issue tax-exempt bonds. The preliminary estimate of debt contemplated to be issued for such projects is currently \$10,000,000.00

Following discussion to increase the estimated debt contemplated to \$15,000,000.00, Motion by Brookhouser seconded by Grimshaw to adopt RESOLUTION NO. 19-003 with an amendment of the estimate of debt contemplated to be \$15,000,000.00:

RESOLUTION NO. 19-003

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, as follows:

Section 1. That the Mayor and Council of the City of Plattsmouth, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Code Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with costs incurred in connection with the construction of combined utility , the construction or reconstruction of dikes, levees or similar structures, and any other City infrastructure repairs and improvements within the City which may result from floodwater damage prevention or remediation. The preliminary estimate of debt contemplated to be issued for such project exceeds \$15,000,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such project. It is the intent of the Mayor and Council and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until the bonds or such other tax-exempt obligations contemplated herein are issued.

DATED this _____ day of _____, 2019.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk

Erv Portis, City Administrator read RESOLUTION NO. 19-003 in to the record. ROLL CALL: Yes-Riese, Brookhouser, Minahan, Grimshaw, Wiemer, Muller, Kerns and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED

Mike Wilson, Chief of the Plattsmouth Volunteer Fire Department stated that there will be NO Burn Permits issued as long as water supply is an issue; they have secured additional water sources for fire suppression if needed in the event of a fire; recognized Bill Dudek and Deb Knopik for their behind the scenes work with documentation; and stated that the whole town pulled together, as they always do, in situations as we are dealing with at this time.

ITEM 12

8:30 p.m. Motion by Grimshaw seconded by Brookhouser to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk