

PLATTSMOUTH CITY COUNCIL

April 1, 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 April 1, 2019 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Steve Riese, Morgan Muller, Sean Minahan, Terry Kerns, Cheryl Grimshaw, Doug Derby and Jeanie Brookhouser. Council Members Absent: Wanda Wiemer. 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 21, 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 Grimshaw seconded by Brookhouser to approve the consent agenda as presented:

- A Consider approval of the March 18, 2019 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 4/1/19

Pay Date: 3/29/19	126413.24
Com Ctr 8713.67	
EMS 13420.66	
General 15430.13	
Library 8099.7	
Parks and Cemetery 3271.6	
Police 38573.28	
Senior Center 2112.66	
Street 16581.02	
Water and Sewer 20210.52	

Various

Vendor Name

AMERICAN FAMILY LIFE 542.1
AMERITAS 18906.03
AMERITAS LIFE INSURANCE CORP 155.02
BLUE CROSS BLUE SHIELD 52474.23
DELTA DENTAL PLAN 3073.36
EYE MED VISION CARE 402.23
INTERNAL REVENUE SERVICE 28606.96
MUTUAL OF OMAHA 773.6
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16
NEBRASKA DEPARTMENT OF REVENUE 4382.57
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 10554.76
PLATTSMOUTH STATE BANK 136.16
THE HARTFORD 210.35

Department : 01 - GENERAL ADMINISTRATION

CASS COUNTY TREASURER 8858.4
CHARTER BUSINESS 196.19
EGAN SUPPLY CO 200.83
FIRST BANKCARD 660.52
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 95.69
KONICA MINOLTA PREMIER FINANCE 221.16
MARY HARDING 128.57
MID PLAINS HOSPITALITY GROUP INC 299.85
OFFICE DEPOT INC 51.88
OLMSTED & PERRY ENGINEERING 1932.14
THE COLUMBUS TELEGRAM 308.72
WELCH LAW FIRM LLC 6000

Department : 02 - HUMANE/CODE ENFORCEMENT

NEBRASKA HUMANE SOCIETY 35

Department : 03 - EMS

BOUND TREE MEDICAL LLC 1481.1
BRIAN WAGNER 388.74
EGAN SUPPLY CO 75.22
FIRE GUARD INC 49.5
FIRST BANKCARD 740.16
FORT DEARBORN LIFE INSURANCE CO 72.24
JAMES W KNOWLES JR 1050
KATHRYN SHARP 200
KONICA MINOLTA PREMIER FINANCE 35.78
MULLENAX AUTO SUPPLY 253.76
PHILIPS HOLDING USA INC 2211.3
STERICYCLE INC 247.22
TODD K HINTZE 24.7

WALKERS INC 16.38

Department : 04 - POLICE

AUDREY WILSON 35.55
BOMGAARS SUPPLY 19.9
DIGITAL ALLY INC 290
DISCOVERY BENEFITS INC 25
FIRST BANKCARD 184.86
JACKS UNIFORMS & EQUIPMENT 568.28
JEREMY OSTLER 195
KONICA MINOLTA BUSINESS SOLUTIONS 7.42
KONICA MINOLTA PREMIER FINANCE 154.29
TIM BURROWS 700

Department : 05 - STREET

ALLIED OIL & TIRE CO 149
BLACK HILLS ENERGY 682.91
BOMGAARS SUPPLY 137
DULTMEIER SALES LLC 60
FIRST BANKCARD 421.65
MARTIN MARIETTA AGGREGATES 7813.69
MITCHELL 1 2032.81
MURPHY TRACTOR AND EQUIPMENT 249.94
NEBRASKA IOWA SUPPLY CO INC 1671.25
ROSE EQUIPMENT INC 167.64

Department : 06 - LIBRARY

APOLLO REFRIGERATION & HEATING SYSTEMS 172.25
BAKER & TAYLOR BOOKS 695.01
CASS COUNTY TREASURER 1476.4
DEMCO 114.91
EGAN SUPPLY CO 107.29
FIRST BANKCARD 1142.66
KONICA MINOLTA PREMIER FINANCE 154.29
OKEEFE ELEVATOR CO INC 194.83
SAVAGE PLUMBING INC 341

Department : 07 - PARKS

BOMGAARS SUPPLY 167.22
MULLENAX AUTO SUPPLY 22.49

Department : 08 - CEMETERY

BLACK HILLS ENERGY 210.93
EGAN SUPPLY CO 14.58
NEBRASKA PUBLIC POWER DISTRICT 73.99

Department : 10 - FIRE

ADVANCED CLEANING EQUIPMENT 65

FORT DEARBORN LIFE INSURANCE CO 151.36
KATHRYN SHARP 200
KONICA MINOLTA PREMIER FINANCE 35.78
NEBRASKA IOWA SUPPLY CO INC 1071.24
ROBERT HECKMAN 50.4
SAM A DMAVRO 125
TODD K HINTZE 24.7
WALKERS INC 16.37

Department : 11 - SENIOR CITIZEN CTR
CHARTER BUSINESS 142.93
STRATUS BUILDING SOLUTION OF ARIZONA 219

Department : 16 - ECONOMIC DEVELOPMENT
LEAGUE OF NEB MUNICIPALITIES 70
OLMSTED & PERRY ENGINEERING 247.5
PLATTSMOUTH CHAMBER OF COMMERCE 200

Department : 17 - COMMUNITY CENTER
ACCELERATED GRAPHX LLC 285
CHARTER BUSINESS 428.79
CHESTERMAN CO 268.74
FIRST BANKCARD 544.32
KATHLEEN SAWYER 100
KONICA MINOLTA PREMIER FINANCE 186.7
OFFICE DEPOT INC 127.5
OKEEFE ELEVATOR CO INC 194.83
RANDI WILLIAMS 25
SONJA ROSS 72
STEPHEN C WARGA 120
STRATUS BUILDING SOLUTION OF ARIZONA 1870
THE COLUMBUS TELEGRAM 545
THE WALDINGER CORPORATION 5528.37
WALKERS INC 101.4
WASTE CONNECTIONS OF NEBRASKA INC 132.89

Department : 18 - AQUATIC
CHARTER BUSINESS 37.64
STEPHEN C WARGA 117

Department : 20 - WATER
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA 3629
AMERICAN UNDERGROUND SUPPLY LLC 34.25
BLACK HILLS ENERGY 332.42
BOMGAARS SUPPLY 399.84
BRINK ENTERPRISES INC 469.16
CASS COUNTY TREASURER 2657.52
DISCOVERY BENEFITS INC 25

DPC INDUSTRIES INC 268
FIRST BANKCARD 29.92
JUSTIN A MARSH 436.14
KEARNEY HOSPITALITY INC 199.9
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 468.15
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 216
NEBRASKA PUBLIC POWER DISTRICT 6727.63
OLMSTED & PERRY ENGINEERING 36830
PHONETICS INC 420
SAVAGE PLUMBING INC 1450
TREKK DESIGN GROUP LLC 2672.85
TYLER TECHNOLOGIES 90
UNITED STATES POSTAL SERVICE 117.5
WATER & SEWER DEPARTMENT 451.61
WELCH LAW FIRM LLC 2000

Department : 24 - DRUG FORFEITURE
H & H SALES INC 400

Department : 30 - SEWER
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA 6858
BOMGAARS SUPPLY 134.38
BRINK ENTERPRISES INC 573.51
CASS COUNTY TREASURER 1771.68
FIRST BANKCARD 59
KEARNEY HOSPITALITY INC 199.9
NEBRASKA PUBLIC POWER DISTRICT 2531.18
OLMSTED & PERRY ENGINEERING 8715
QUALITY SIGNS 400
TYLER TECHNOLOGIES 90
UNITED STATES POSTAL SERVICE 117.5
WASTECORP PUMPS LLC 1670
WELCH LAW FIRM LLC 2000

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

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.

Motion by Riese seconded by Grimshaw to approve second reading of ORDINANCE NO. 1950 by title only. ROLL CALL: Yes-Derby, Grimshaw, Riese, Brookhouser, Muller, Kerns and Minahan. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1950 in to the record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Kerns seconded by Brookhouser to receive the Housing Authority of the City of Plattsmouth, Nebraska Basic Financial Statements, Required Supplemental Information and Supplemental Information for Year Ended June 30, 2018 and direct the clerk to place on file. ROLL CALL: Yes-Riese, Kerns, Brookhouser, Muller, Minahan, Derby and Grimshaw. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

Council member Kerns stated that he would be abstaining from any discussion or action regarding ITEM 9 B; ITEM 9 C; ITEM 9 D; and ITEM 9 E as he has a conflict of interest.

Erv Portis, City Administrator stated that ITEM 9 B was authorized under Resolution No.018-010: Construction Services Agreement; ITEM 9 C was competitively bid; ITEM 9 D was Flood Related and Kerns Excavating Company is listed in the City Emergency Operations Plan; and ITEM 9 E was a water issue but due to the Flood the issue was considered an emergency and Kerns Excavating Company is listed in the City Emergency Operations Plan.

ITEM 9 B

Motion by Muller seconded by Derby to approve Invoice No. 14960 submitted by Kerns Excavating Company in the amount of \$2,868.50 for Emergency Repair work for February 2019 (Replace curb stop at 2515 S. 15th St.-\$661.50; Water main leak at 311 Hillcrest Dr.-\$980.00; Water main leak at S. 10th St.-\$672.00; Water main leak on Webster Blvd.-\$355.00; and Manhole on 18th St-City Park Shop-\$200.00) and authorize payment. ROLL CALL: Yes-Riese, Grimshaw, Derby, Brookhouser, Minahan and Muller. No-None. Absent-Wiemer. Abstain-Kerns. MOTION CARRIED.

ITEM 9 C

Motion by Brookhouser seconded by Grimshaw to approve Invoice No. 14964 submitted by Kerns Excavating Company in the amount of \$16,627.00 for Lime Sludge Removal and authorize payment. ROLL CALL: Yes-Minahan, Brookhouser, Grimshaw, Riese, Muller and Derby. No-None. Absent-Wiemer. Abstain-Kerns. MOTION CARRIED.

ITEM 9 D

Motion by Grimshaw seconded by Brookhouser to approve Invoice No. 14973 submitted by Kerns Excavating Company in the amount of \$3,324.00 (Bay Road water well sandbagging-\$3,040.00; and Excavating sand/trash from Rhylander Park sediment structure to allow pumping-\$284.00) and authorize payment. ROLL CALL: Yes-Brookhouser, Derby, Grimshaw, Minahan, Muller and Riese. No-None. Absent-Wiemer. Abstain-Kerns. MOTION CARRIED.

ITEM 9 E

Motion by Brookhouser seconded by Derby to approve Invoice No. 14968 submitted by Kerns Excavating Company in the amount of \$2,106.00 for Emergency Repair Work for March 2019 (6" main at 408 4th Ave-\$783.00; and water leak at 15104 Rock Bluff Ave on 2" galvanized line-\$1,323.00) and authorize payment. ROLL CALL: Yes-Grimshaw, Minahan, Derby, Riese, Brookhouser and Muller. No-None. Absent-Wiemer. Abstain-Kerns. MOTION CARRIED.

ITEM 9 F

Motion by Grimshaw seconded by Riese to approve the appointment of Danial Markham as a new probationary member to the Plattsmouth Volunteer Fire Department and the addition of his name to the Roster. ROLL CALL: Yes-Riese, Muller, Minahan, Kerns, Grimshaw, Derby and Brookhouser. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 9 G

Erv Portis, City Administrator discussed the Flood Disaster Recovery and the short-term and long-term next steps:

- Between March 14, 2019 and March 15, 2019 the Missouri River rose from 16 feet to 40.65 feet
- March 14, 2019 the City declared a Water Emergency-All non-sanitary, non-essential use of water must be discontinued
- March 14, 2019 the City notified NDEQ that both the water and wastewater systems were taken off-line. The City operationalized the Cass County Rural Water District 1 (CCRWD1) emergency connection to provide water on a short-term, restricted-use basis to the City.
- A Booster Pump was purchased and installed at CCRWD1 to help keep pace filling the City tanks to meet usage at a cost of \$32,000.00
- March 20, 2019 the City's Public Works Director issued a Water Emergency Order to supplement the Water Emergency Declaration issued March 14, 2019-requested a voluntary 30% reduction for all residents, industrial, commercial, and institutional water uses. The Order also stated that the water is safe to drink.
- The City has two (2) pools: Indoor pool will be used for therapeutic use only; Outdoor Pool will not open until the Water Emergency ends (it is anticipated that the Water Emergency will end after the season so it will not be put in to operation this year).
- Well Field: All five (5) wells were affected. All berms were scoured; Well #4-the well house was destroyed; power lines tilted or down.

- Water Treatment Plant: All of the first floor (10-11 feet of water above floor) was inundated; Clear Well was inundated; 2nd floor-filters and electrical assume affected; clarifier appears ok; pumps may be ok.
- Wastewater Treatment Plant: Every system component was inundated including all electrical in the entire facility
- Flood Insurance claims have been filed for the Water Treatment Plant, Wastewater Treatment Plant and the Wells.
- FEMA Public Assistance application process to begin Wednesday, April 3, 2019
- Short Term Goals: Drinking Water operational in 6 months or less; Wastewater operational in 6 months or less but unsure if that is realistic until the full assessment is done; Hoping FEMA can expedite the process for cash advances due to cash flow issues
- Long Term Goals-Water: Review the Water Study done by Olmsted & Perry Consulting Engineers a number of years ago and look at the options: flood proofing-how high do we go; and contracting with MUD to purchase water wholesale. Wastewater: Repair our system which is a gravity system; Build a new plant-where to locate and funding options
- Money is available through NDEQ for Planning (3-5 yrs at .25% interest)

ITEM 9 H

Council member Grimshaw introduced an ordinance numbered and titled as follows: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO AFFIRM THE EMERGENCY DECLARATION ISSUED MARCH 13, 2019, IN RESPONSE TO FLOODING ON THE MISSOURI AND PLATTE RIVERS; TO ACKNOWLEDGE THE CONTINUATION OF SUCH EMERGENCY AND THE CITY'S URGENT NEED TO RESTORE CERTAIN PUBLIC INFRASTRUCTURE; TO AUTHORIZE THE WAIVER OF COST ESTIMATES, ADVERTISEMENT OF BIDS, SINGLE EXPENDITURE LIMITATIONS, AND OTHER REQUIREMENTS PERTAINING TO THE MANNER IN WHICH THE CITY ENTERS CONTRACTS FOR THE PURPOSE OF RESPONDING TO, AND RECOVERING FROM, DAMAGE TO CERTAIN PUBLIC INFRASTRUCTURE CAUSED BY THE FLOODING; TO DELEGATE TO THE CITY ADMINISTRATOR LIMITED AUTHORITY TO MAKE SUCH WAIVERS AND ENTER SUCH CONTRACTS FOR SINGLE EXPENDITURES UP TO \$50,000.00; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND FOR POSTING AS AN EMERGENCY ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE.**

Council discussed putting a 6 to 12 month limitation to authorize the waiver of cost estimates, advertisement of bids, single expenditure limitations, and other requirements pertaining to the manner in which the city enters contracts for the purpose of responding to, and recovering from, damage to certain public infrastructure caused by the flooding and to delegate to the city Administrator limited authority to make such waivers and enter such contracts for single expenditures up to \$50,000.00. Following further discussion, Grimshaw withdrew her motion and Derby withdrew his 2nd.

Motion by Grimshaw seconded by Derby to suspend the statutory rule requiring reading an ordinance on three different days and that Ordinance No. 1952 be adopted on first reading by

title only with the addition of the 6 month limitation for waivers and expenditure limitations delegated to the City Administrator.

Erv Portis, City Administrator read Ordinance No. 1952 by title only: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO AFFIRM THE EMERGENCY DECLARATION ISSUED MARCH 13, 2019, IN RESPONSE TO FLOODING ON THE MISSOURI AND PLATTE RIVERS; TO ACKNOWLEDGE THE CONTINUATION OF SUCH EMERGENCY AND THE CITY'S URGENT NEED TO RESTORE CERTAIN PUBLIC INFRASTRUCTURE; TO AUTHORIZE THE WAIVER OF COST ESTIMATES, ADVERTISEMENT OF BIDS, SINGLE EXPENDITURE LIMITATIONS, AND OTHER REQUIREMENTS PERTAINING TO THE MANNER IN WHICH THE CITY ENTERS CONTRACTS FOR THE PURPOSE OF RESPONDING TO, AND RECOVERING FROM, DAMAGE TO CERTAIN PUBLIC INFRASTRUCTURE CAUSED BY THE FLOODING, FOR A PERIOD NOT TO EXCEED SIX MONTHS OR, IF SOONER, UNTIL THE DATE SUCH EMERGENCY EXPIRES; TO DELEGATE TO THE CITY ADMINISTRATOR LIMITED AUTHORITY TO MAKE SUCH WAIVERS AND ENTER SUCH CONTRACTS FOR SINGLE EXPENDITURES UP TO \$50,000.00, FOR A PERIOD NOT TO EXCEED SIX MONTHS OR, IF SOONER, UNTIL THE DATE SUCH EMERGENCY EXPIRES; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND FOR POSTING AS AN EMERGENCY ORDINANCE; AND TO PROVIDE AN EFFECTIVE DATE** to clarify the addition of the 6 month limitation for waivers and expenditure limitations delegated to the City Administrator.

ROLL CALL: Yes-Brookhouser, Derby, Grimshaw, Kerns, Minahan, Muller and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1952 in to the record by title only. Council member Brookhouser moved for final passage of Ordinance No. 1952 on 3rd and final reading by title only, which motion was seconded by Riese. ROLL CALL: Yes-Kerns, Riese, Brookhouser, Muller, Derby, Minahan and Grimshaw. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1952 in to the record by title only.

ITEM 9 I

Jim Olmsted, Olmsted & Perry Consulting Engineers Inc. along with Steve Perry and Jeff Frey were present. Jim Olmsted stated the 2019 Flood event severely damaged the municipal wastewater treatment plant and the municipal water treatment plant. Mr. Olmsted recommended the City seek a qualified treatment plant construction contractor as they will be better equipped to comply with safety issues and complete the more complicated electrical repairs and assessments which must be performed under electrical codes, regulations and requirements. Three construction contractors (Building Crafts Inc., of Red Oak, Iowa; Juds Bros. Construction Co., of Lincoln, Nebraska; and Eriksen Construction Co., of Blair, Nebraska) were asked to submit proposals to perform the recommended services on a time and materials basis and all proposals were similar. Based on the following criteria: 1) knowledge and recent experience

with the existing treatment plant; and 2) experience in working with the City of Plattsburgh, Mr. Olmsted recommended the city select Building Crafts Inc. for the emergency repair contract.

Motion by Riese seconded by Muller to approve a contract, as an emergency procurement, between the City and Building Crafts Inc., whereby Building Crafts Inc. will perform certain damage assessment, cleanup, and repair services as necessary to restore operations at the City's wastewater treatment plant, on a time and materials basis, and upon such other terms as may be recommended by the City Engineer and reviewed by the City Attorney, and authorize the Mayor to execute a contract for such services upon such terms. ROLL CALL: Yes-Muller, Grimshaw, Minahan, Derby, Brookhouser, Riese and Kerns. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 12

8:41 p.m. Motion by Brookhouser seconded by Grimshaw to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk