

PLATTSMOUTH CITY COUNCIL

February 3, 2020

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 February 3, 2020 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Wanda Wiemer, Morgan Muller, Sean Minahan, Terry Kerns, Doug Derby and Jeanie Brookhouser. Council Members Absent: Steve Riese. Also present: City Administrator Ervin Portis, City Inspector Kevin Larson 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 January 23, 2020 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

Motion by Brookhouser seconded by Muller to approve the appointment of Bryan Clark to the City of Plattsmouth Council Member-Ward 2 to fill a vacancy created when Cheryl Grimshaw resigned effective December 31, 2019. ROLL CALL: Yes-Derby, Minahan, Muller, Wiemer, Kerns and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

Ervin Portis, City Administrator administered the Oath of Office to Bryan Clark – City of Plattsmouth Council Member Ward 2.

Bryan Clark, Plattsmouth City Council Member-Ward 2 representative took his place at the Council Table to represent Ward 2 on items before the Mayor and Council.

ITEM 6-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 7-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 8-CONSENT AGENDA

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

- A Consider approval of the January 20, 2020 City Council Meeting Minutes

B Consider recommendation of approval of a Special Designated License filed by Wilbur Ellis Company, 606 Wiles Road for a customer appreciation dinner being held at St. John the Baptist School/Church, 500 S. 18<sup>th</sup> St., Plattsmouth on February 18, 2020 at 5:30 p.m. to 10:00 p.m. (alternate date of February 25, 2020-same time)

C Consider approval of claims

Claims Register Report as of 2/3/20

Pay Date: 1/31/20                      128130.27

Com Ctr 7213.43  
EMS 13657.66  
General 16022.94  
Library 7109.55  
Parks and Cemetery 3591.26  
Police 39436.19  
Senior Center 2293.43  
Street 17599.39  
Water and Sewer 21206.42

Various

Vendor Name

AMERITAS 17131.46  
AMERITAS LIFE INSURANCE CORP 148.12  
BLUE CROSS BLUE SHIELD 53498.86  
DELTA DENTAL PLAN 2760.12  
DIVISION OF CHILD SUPPORT SERVICES 400.14  
INTERNAL REVENUE SERVICE 28802.11  
MUTUAL OF OMAHA 779.6  
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16  
NEBRASKA DEPARTMENT OF REVENUE 4577.11  
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION

CASS COUNTY TREASURER 8858.4  
CHARTER BUSINESS 130  
DES MOINES STAMP MFG COMPANY 35.55  
FIRST BANKCARD 275.92  
KATHRYN SHARP 125  
KONICA MINOLTA PREMIER FINANCE 221.16  
OFFICE DEPOT INC 192.9  
OFFUTT ADVISORY COUNCIL 300  
OLMSTED & PERRY ENGINEERING 748.75  
OMAHA COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY 24  
THE COLUMBUS TELEGRAM 265.54  
THE PITNEY BOWES BANK INC 1510

TYLER TECHNOLOGIES 430.48  
WELCH LAW FIRM LLC 6000

Department : 03 - EMS

AARON BANGHAM 775  
FIRE GUARD INC 244.38  
FIRST BANKCARD 433.92  
FORT DEARBORN LIFE INSURANCE CO 61.92  
KONICA MINOLTA PREMIER FINANCE 35.78  
LINDER TIRE & AUTO INC 210.5  
MATHESON TRI-GAS INC 75.69  
OVERHEAD DOOR COMPANY OF OMAHA 82.75  
WALKERS INC 16.38

Department : 04 - POLICE

AMY RICHTER 720.78  
ARROWHEAD SCIENTIFIC INC 346.61  
CASS COUNTY SHERIFF 3615  
FIRST BANKCARD 387.65  
FIRST WIRELESS 112  
KONICA MINOLTA PREMIER FINANCE 154.29  
LYNN PEAVEY COMPANY 124.5  
MARLIN R FERGUSON 275  
RYAN CRICK 186.18  
SOFTCHOICE CORPORATION 385.47

Department : 05 - STREET

BLACK STRAP INC 10168.19  
BOMGAARS SUPPLY 718.83  
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 747.25  
HOTSY EQUIPMENT CO 7868.99  
JOHN DEERE CREDIT 17974.33  
LOGAN CONTRACTORS SUPPLY CO 315.67  
MARK HYDRAULIC CO INC 61.67  
OFFICE DEPOT INC 19.14  
SCHRAM & SONS EXCAVATION CORP 971.85  
WESTERN SAND & GRAVEL 6210.32

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 1465.42  
CASS COUNTY TREASURER 1476.4  
FIRE GUARD INC 55.55  
FIRST BANKCARD 1203.82  
KONICA MINOLTA PREMIER FINANCE 154.29  
NEBRASKA LIBRARY COMMISSION 335.26  
OMAHA WORLD HERALD 492.71

Department : 07 - PARKS

AGRIVISION EQUIPMENT GROUP LLC 1015.51  
BOMGAARS SUPPLY 82.62  
CHARTER BUSINESS 36.64  
LINDER TIRE & AUTO INC 65

Department : 08 - CEMETERY  
BOMGAARS SUPPLY 219.83  
NEBRASKA PUBLIC POWER DISTRICT 61.54  
TILSON AUTOMOTIVE 954.2

Department : 10 - FIRE  
CASS COUNTY EMERGENCY MANAGEMENT AGENCY 80  
FIRE GUARD INC 244.37  
FORT DEARBORN LIFE INSURANCE CO 161.68  
KONICA MINOLTA PREMIER FINANCE 35.78  
LINDER TIRE & AUTO INC 210.5  
NEBRASKA STATE FIRE MARSHAL 240  
OVERHEAD DOOR COMPANY OF OMAHA 82.75  
WALKERS INC 16.37

Department : 11 - SENIOR CITIZEN CTR  
FIRE GUARD INC 148.5  
HYVEE 231.26  
OXEN TECHNOLOGY 32.24  
REINHART FOODSERVICE LLC 565.01  
STRATUS BUILDING SOLUTION OF ARIZONA 219  
WALKERS INC 116.2

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 272.5

Department : 17 - COMMUNITY CENTER  
ACCELERATED GRAPHX LLC 249  
BOMGAARS SUPPLY 18.47  
EGAN SUPPLY CO 217.61  
FASTENAL COMPANY 13.29  
FIRE GUARD INC 1317.5  
FIRST BANKCARD 618.56  
KONICA MINOLTA PREMIER FINANCE 186.7  
MOREHEAD PLUMBING 755.04  
NEBRASKA DEPT OF HEALTH & HUMAN SERVICES LICENSE 40  
STEPHEN C WARGA 72  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
THE WALDINGER CORPORATION 1601.71  
VICTORIA SCHMIDT 64  
WALKERS INC 80

Department : 18 - AQUATIC

CHARTER BUSINESS 36.64

Department : 20 - WATER

BOMGAARS SUPPLY 220.77  
CASS COUNTY TREASURER 2657.52  
FIRST BANKCARD 24.54  
HACH COMPANY 52.93  
HD SUPPLY FACILITIES MAINTENANCE LTD 67.45  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 97  
NEBRASKA PUBLIC POWER DISTRICT 7416.64  
OLMSTED & PERRY ENGINEERING 13036.05  
OXEN TECHNOLOGY 352  
SARGENT DRILLING 966.67  
SCHRAM & SONS EXCAVATION CORP 492.48  
SID TOOL CO INC 96.28  
TYLER TECHNOLOGIES 305.24  
WELCH LAW FIRM LLC 2000

Department : 24 - DRUG FORFEITURE

H & H SALES INC 800

Department : 30 - SEWER

BOMGAARS SUPPLY 327.65  
BURTON PLUMBING SERVICES INC 636.5  
CASS COUNTY TREASURER 1771.68  
CORE & MAIN LP 184.44  
CUMMINS CENTRAL INC 963.27  
FORTERRA CONCRETE PRODUCTS INC 140  
HD SUPPLY FACILITIES MAINTENANCE LTD 1240.3  
HYDRO OPTIMIZATION AND AUTOMATION SOLUTIONS INC 339.75  
MENARDS 124.07  
NEBRASKA PUBLIC POWER DISTRICT 1433.15  
OFFICE DEPOT INC 82.42  
OLMSTED & PERRY ENGINEERING 86653.09  
PLATTSMOUTH STATE BANK 3327.5  
SID TOOL CO INC 288.84  
TYLER TECHNOLOGIES 305.24  
WELCH LAW FIRM LLC 2000

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

#### ITEM 9-UNFINISHED BUSINESS

Council member Kerns stated that he would be abstaining from any discussion or action on ITEM 9 A and ITEM 9 B as he is President and Majority Shareholder of Kerns Excavating Co. which creates a conflict of interest.

ITEM 9 A

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No.1 submitted by Kerns Excavating Inc. for the 2019 Flood Recovery Project –Wellfield Access Roadway Clearing (PW#122093) in the amount of (+) \$ 2,900.00. Mr. Perry recommended approval. Motion by Wiemer seconded by Muller to approve Change Order No.1 submitted by Kerns Excavating Inc. for the 2019 Flood Recovery Project –Wellfield Access Roadway Clearing (PW#122093) in the amount of (+) \$ 2,900.00 and authorize the Mayor to execute Change Order No.1. ROLL CALL: Yes-Derby, Brookhouser, Minahan, Clark, Muller and Wiemer. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor’s Application for Payment No.1 (Final) submitted by Kerns Excavating Inc. Excavating Corp. for the 2019 Flood Recovery Project – Wellfield Access Roadway Clearing (PW#122093) in the amount of \$6,750.00. Mr. Perry recommended approval. Motion by Brookhouser seconded by Derby to approve Contractor’s Application for Payment No.1 (Final) submitted by Kerns Excavating Inc. Excavating Corp. for the 2019 Flood Recovery Project – Wellfield Access Roadway Clearing (PW#122093) in the amount of \$6,750.00 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Minahan, Wiemer, Brookhouser, Clark, Derby and Muller. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 9 C

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No.1 submitted by Schram and Sons Excavating Corp. 2019 Flood Recovery Project – Crushed Rock Procurement (PW#122093) in the amount of (-) \$ 573.42. Mr. Perry recommended approval. Motion by Brookhouser seconded by Wiemer to approve Change Order No.1 submitted by Schram and Sons Excavating Corp. 2019 Flood Recovery Project – Crushed Rock Procurement (PW#122093) in the amount of (-) \$ 573.42 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Derby, Clark, Kerns, Minahan, Muller, Wiemer and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 D

Steve Perry, PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor’s Application for Payment No.1 (Final) submitted by Schram and Sons Excavating Corp. 2019 Flood Recovery Project – Crushed Rock Procurement (PW#122093) in the amount of \$10,636.08. Mr. Perry recommended approval. Motion by Brookhouser seconded by Muller to approve Contractor’s Application for Payment No.1 (Final) submitted by Schram and Sons Excavating Corp. 2019 Flood Recovery Project – Crushed Rock Procurement (PW#122093) in the amount of \$10,636.08 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Wiemer, Brookhouser, Muller, Derby, Minahan, Kerns and Clark. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 E

Council member Muller introduced an ordinance numbered and titled as follows:  
**ORDINANCE NO. 1965: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE TITLE OF CHAPTER 2, ARTICLE 6 AND SECTIONS 2-601 THROUGH 2-605 THEREIN RELATED TO THE PLATTSMOUTH CEMETERY BOARD; TO REPEAL CHAPTER 2, ARTICLE 6, SECTIONS 2-606 THROUGH 2-610 RELATED TO THE PLATTSMOUTH CEMETERY; TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-505 RELATED TO THE PLATTSMOUTH CEMETERY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Muller seconded by Minahan to approve second reading of  
**ORDINANCE NO. 1965: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE TITLE OF CHAPTER 2, ARTICLE 6 AND SECTIONS 2-601 THROUGH 2-605 THEREIN RELATED TO THE PLATTSMOUTH CEMETERY BOARD; TO REPEAL CHAPTER 2, ARTICLE 6, SECTIONS 2-606 THROUGH 2-610 RELATED TO THE PLATTSMOUTH CEMETERY; TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-505 RELATED TO THE PLATTSMOUTH CEMETERY; 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-Kerns, Clark, Brookhouser, Derby, Wiemer, Muller and Minahan. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. City Administrator, Ervin Portis read ORDINANCE NO. 1965 in to the record by title only.

ITEM 9 F

Council member Wiemer introduced an ordinance numbered and titled as follows:  
**ORDINANCE NO. 1966: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-507 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO PERMITS TO OCCUPY THE CITY'S RIGHTS-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Wiemer seconded by Brookhouser to approve third and final reading of  
**ORDINANCE NO. 1966: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 5, SECTIONS 6-501 THROUGH 6-507 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO PERMITS TO OCCUPY THE CITY'S RIGHTS-OF-WAY; 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-Brookhouser, Derby, Clark, Kerns, Minahan, Muller and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. City Administrator, Ervin Portis read ORDINANCE NO. 1966 in

to the record by title only.

ITEM 9 G

Council member Brookhouser introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1967: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 6, SECTIONS 6-601 THROUGH 6-607 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Stephen Q. Preston, City Attorney noted a scrivner's error on page 5: the internal reference in §6-603(A)(1)(b) should be to §6-605 rather than §6-604. Motion by Brookhouser seconded by Wiemer to approve third and final reading of **ORDINANCE NO. 1967: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 6, ARTICLE 6, SECTIONS 6-601 THROUGH 6-607 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE** by title only with the correction of a scrivner's error on page 5: the internal reference in §6-603(A)(1)(b) should be to §6-605 rather than §6-604. ROLL CALL: Yes-Muller, Kerns, Derby, Brookhouser, Wiemer, Minahan and Clark. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. Ervin Portis, City Administrator read ORDINANCE NO. 1967 in to the record by title only.

ITEM 10 – NEW BUSINESS

ITEM 10 A

Pursuant to publication, Mayor Lambert opened a public hearing at 7:18 p.m. to hear and consider public comments regarding the plan for the One & Six Year Highway and Street Improvement Program through September 30, 2020 for the City of Plattsmouth, Cass County, Nebraska. No one spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:20 p.m.

ITEM 10 B

Motion by Muller seconded by Brookhouser to adopt RESOLUTION NO. 20-002: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA TO APPROVE THE ONE AND SIX YEAR HIGHWAY AND STREET IMPROVEMENT PLAN THROUGH SEPTEMBER 30, 2020 FOR THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA by title only. Ervin Portis, City Administrator read RESOLUTION NO. 20-002 in to the record by title only. ROLL CALL: Yes-Brookhouser, Clark, Minahan, Wiemer, Derby, Kerns and Muller. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.



ITEM 13

7:35 p.m. Motion by Brookhouser seconded by Derby to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk