

PLATTSMOUTH CITY COUNCIL

July 7, 2014

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 July 7, 2014 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Attorney Roger Johnson, City Inspector Kevin Larson and City Treasurer Roger Davis.

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 at Citizen Delegation

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Brookhouser, seconded by Wiemer to approve the Consent Agenda as presented:

- A Consider approval of the June 16, 2014 City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Plattsmouth Chamber of Commerce Event-Taste of Plattsmouth being held at Plattsmouth Entertainment Plaza, 4<sup>th</sup> Street from Main Street one half block south to the alley, Plattsmouth on August 1, 2014 from 3:00 p.m. to 11:00 p.m.
- C Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Beer Garden being held at Plattsmouth Entertainment Plaza, 4<sup>th</sup> Street from Main Street one half block south to the alley, Plattsmouth on September 5, 2014 and September 6, 2014 from Noon to 12:30 a.m.

- D Consider recommendation of approval of a Special Designated License filed by SVE, LLC for a Plattsmouth Chamber of Commerce Event-Taste of Plattsmouth being held at Plattsmouth Entertainment Plaza, 4<sup>th</sup> Street from Main Street one half block south to the alley, Plattsmouth on August 1, 2014 from 3:00 p.m. to 10:00 p.m.
- E Consider approval of claims

Claims Register Report  
as of 7/7/2014

Vendor Name Amount

Pay Date: 6/27/14  
Com Ctr 18681.77  
EMS 7408.23  
General 18465.13  
Library 6608.37  
Park and Cemetery 4474.5  
Police 30512.29  
Senior 2229.82  
Street 11185.24  
Water and Sewer 13010.07

112575.42

VARIOUS  
AMERICAN FAMILY LIFE 629.38  
AMERITAS LIFE INSURANCE CORP 11793.94  
BLUE CROSS BLUE SHIELD 45761.49  
COLLECTION SERVICES CENTER 186  
DELTA DENTAL PLAN 2285.5  
FRATERNAL ORDER OF POLICE 165  
HAFFKE, ESTATE OF DOUGL 19.7  
HANDRICK, LAURA 9.94  
HERITAGE PHARMACY 8.99  
INTERNAL REVENUE SERVICE 27014.68  
MACY, D MICHAEL 17.71  
MINK, LOLA 8.53  
MUTUAL OF OMAHA 697.28  
NEBRASKA DEPARTMENT OF REVENUE (INCOME TAX) 3417.93  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 3050.58  
PLATTSMOUTH STATE BANK 1074.62  
RUFFNER PHARMACY LLC 9.52  
SEAY, HAROLD 17.14  
THE UNION CENTRAL LIFE INSURANCE CO 155.02  
WOOD, FRANK 12.57

Department : 01 - GENERAL ADMINISTRATION  
ALLEY POYNER MACCHIETTO ARCHITECTURE 177.97  
BAIRD HOLM LLP 8000  
BLACK HILLS ENERGY 20.85  
CHARTER BUSINESS 130  
FIRST BANKCARD 2346.78  
HIGGINS HARDWARE 2.99  
KATHRYN SHARP 125  
KONICA MINOLTA BUSINESS SOLUTIONS 12.59  
LEAGUE OF NEB MUNICIPALITIES 294  
OLMSTED & PERRY ENGINEERING 396.28  
PITNEY BOWES INC 108  
RDG PLANNING & DESIGN 1600  
ROGER DAVIS 258.05  
SAVAGE PLUMBING INC 285  
SCHNEIDER AGENCY 52469.74  
WASTE CONNECTIONS OF NEBRASKA INC 48.5  
WELCH LAW FIRM LLC 3162.5

Department : 02 - HUMANE/CODE ENFORCEMENT  
DEBRA S FLAHERTY 110

Department : 03 - EMS  
BLACK HILLS ENERGY 16.13  
BOUND TREE MEDICAL LLC 293.61  
FOUR STAR LAUNDRY 4.74  
HIGGINS HARDWARE 43.97  
KATHRYN SHARP 200  
KONICA MINOLTA BUSINESS SOLUTIONS 51.2  
LINDER TIRE & AUTO INC 720.68  
MATHESON TRI-GAS INC 367.58  
METRO BILLING SERVICES 684  
MIDWEST MINOR MEDICAL 75  
WASTE CONNECTIONS OF NEBRASKA INC 14.58  
WINDSTREAM 156.94

Department : 04 - POLICE  
ACTION BATTERIES UNLIMITED INC 373.99  
BRIDGESTONE AMERICAS INC 425.52  
CITY OF LINCOLN NEBRASKA 116.88  
COMPUTERS TO GO 1243  
DEBRA S FLAHERTY 352  
FIRST BANKCARD 575.43  
FIRST WIRELESS 117  
JACK'S UNIFORMS & EQUIPMENT 38.94  
JOHN E REID AND ASSOCIATES INC 550  
KAHLER CONSTRUCTION 350  
KONICA MINOLTA BUSINESS SOLUTIONS 10.75

MJN INC 1150  
PAYLESS OFFICE PRODUCTS 194.61  
TRITECH FORENSICS INC 326.52

Department : 05 - STREET  
BLACK HILLS ENERGY 56.6  
BOMGAARS SUPPLY 74.78  
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 135.78  
HEIN CONSTRUCTION CO 14872  
INDEPENDENT AUTO REPAIR 37.76  
JOHN DEERE CREDIT 123.38  
LYMAN RICHEY CORPORATION 1110.22  
MARK HYDRAULIC CO INC 965.76  
MARTIN MARIETTA AGGREGATES 809.9  
OLMSTED & PERRY ENGINEERING 2200  
SUSPENSION SHOP INC 927.68  
WASTE CONNECTIONS OF NEBRASKA INC 115.9

Department : 06 - LIBRARY  
ACCUCUT LLC 3  
BAKER & TAYLOR BOOKS 1302.57  
BIBLIOTHECA INC 1018  
BLACK HILLS ENERGY 20.85  
CHARTER BUSINESS 40  
FIRST BANKCARD 1968.63  
GALE GROUP INC 568.63  
KIRSTEN WOOD 25.62  
NEBRASKA LIBRARY COMMISSION 10  
OKEEFE ELEVATOR CO INC 166.56  
THE PENWORTHY CO 90  
WASTE CONNECTIONS OF NEBRASKA INC 14.56  
WINDSTREAM 46.48

Department : 07 - PARK & REC  
ALEGENT CREIGHTON HEALTH 140  
BLACK HILLS ENERGY 20.09  
BOMGAARS SUPPLY 116  
FRY & ASSOCIATES INC 580  
MULLENAX AUTO SUPPLY 24.58  
ODEYS INC 218  
PIONEER MANUFACTURING COMPANY INC 199.75  
WASTE CONNECTIONS OF NEBRASKA INC 111.61  
WINDSTREAM 61.51

Department : 08 - CEMETERY  
BOMGAARS SUPPLY 4.98  
KEN BETTS ENTERPRISES INC 250  
MULLENAX AUTO SUPPLY 181.39

NEBRASKA PUBLIC POWER DISTRICT 29.27  
OMAHA WILBERT VAULTS INC 250  
SAMUEL C MCCANDLESS 675  
Department : 10 - FIRE  
BILL DUDEK 84.37  
BLACK HILLS ENERGY 16.12  
BRIAN WUELLING 84.37  
ERIC GRIMSHAW 22.5  
FORT DEARBORN LIFE INSURANCE CO. 165.12  
FOUR STAR LAUNDRY 4.76  
JOSEPH R GRADOVILLE 22.5  
KATHRYN SHARP 200  
KONICA MINOLTA BUSINESS SOLUTIONS 51.2  
MICHAEL WILSON 281.24  
MULLENAX AUTO SUPPLY 56.05  
WASTE CONNECTIONS OF NEBRASKA INC 14.56  
WINDSTREAM 156.95

Department : 11 - SENIOR CITIZEN CTR  
BLACK HILLS ENERGY 38.71  
PAYLESS OFFICE PRODUCTS 191.06  
UNITED STATES POST OFFICE 49

Department : 16 - ECONOMIC DEVELOPMENT  
CASS COUNTY NEBRASKA ECONOMIC DEV 30  
PLATTSMOUTH MAIN STREET ASSOCIATION 5500  
QUALITY REMODELING 26207  
SENDD 4864.89

Department : 17 - COMMUNITY CENTER  
AQUA CHEM INC 409.5  
BARONI ENTERPRISES 252  
BLACK HILLS ENERGY 348.43  
BODY BASICS INC 1599  
COCA COLA REFRESHMENTS USA INC 21.6  
DEBRA S FLAHERTY 230  
EGAN SUPPLY CO 322.83  
FOUR STAR LAUNDRY 1016.25  
LYMAN RICHEY CORPORATION 363.23  
MULLENAX AUTO SUPPLY 16.28  
NEBRASKA AIR FILTER INC 44.34  
OKEEFE ELEVATOR CO INC 166.56  
PAYLESS OFFICE PRODUCTS 192.41  
QUALITY SIGNS 100  
WASTE CONNECTIONS OF NEBRASKA INC 102.52

Department : 18 - AQUATIC  
ALEGENT CREIGHTON HEALTH 70

AQUA CHEM INC 2013.74  
BLACK HILLS ENERGY 2220.13  
BOMGAARS SUPPLY 8.93  
COCA COLA REFRESHMENTS USA INC 607.05  
ECHO GROUP INC 139.32  
ELIFEGUARD INC 227  
LYMAN RICHEY CORPORATION 119.25  
QUALITY SIGNS 150  
WASTE CONNECTIONS OF NEBRASKA INC 166.5  
WINDSTREAM 62.41

Department : 20 - WATER

BLACK HILLS ENERGY 45.12  
BOMGAARS SUPPLY 208.18  
DUGAN BUSINESS FORMS 488.34  
HD SUPPLY WATERWORKS LTD 1569.02  
INDUSTRIAL ELECTRIC MOTORS 633.22  
KNIGHT TRUCKING LLC 710.94  
MISSISSIPPI LIME COMPANY 3481.45  
NEBRASKA PUBLIC POWER DISTRICT 7589.05  
OLMSTED & PERRY ENGINEERING 1160  
SCHNEIDER AGENCY 9456.13  
SHERWIN WILLIAMS 124.78  
UPS 35.21  
UTILITY EQUIPMENT COMPANY 117.74  
WATER DEPARTMENT-PETTY CASH 466.14

Department : 24 - DRUG FORFEITURE

FIRST BANKCARD 219.99  
JEFF HENRY CHEVROLET 200

Department : 30 - SEWER

BLACK HILLS ENERGY 153.74  
BOMGAARS SUPPLY 268.67  
DUGAN BUSINESS FORMS 488.34  
EYMAN PLUBING INC 1935  
FASTENAL COMPANY 16.08  
FERGUSON ENTERPRISES 1.88  
GRAYBAR 267.75  
KERSTEN PRECAST CONCRETE LLC 1196  
LYMAN RICHEY CORPORATION 148.78  
NEBRASKA PUBLIC POWER DISTRICT 3396.87  
SCHNEIDER AGENCY 9456.13  
THE SANDBAGGER LLC 7602  
UTILITY EQUIPMENT COMPANY 353.72  
WASTE CONNECTIONS OF NEBRASKA INC 43.28

Department : 37 - ECONOMIC DEVELOPMENT - RV PARK

BAIRD HOLM LLP 10000  
KERMIT B REISDORPH 118.49  
THOMPSON DREESSEN & DORNER INC 5600

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

#### ITEM 8-UNFINISHED BUSINESS

##### ITEM 8 A

Motion by Dugan, seconded by Riese to approve payment of Contractor's Application for Payment No. 1 to TAB Construction in the amount of \$32,741.32 for the 2014 Street Repair and Overlay Project. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

##### ITEM 8 B

Motion by Riese, seconded by Brookhouser to approve a Professional Service/Consultant Agreement by and between the City of Plattsmouth and Southeast Nebraska Development District for CDBG #14-DTR-001 – Downtown Revitalization Program (Phase 1) Planning Contract for CDBG Administrative Services and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

##### ITEM 8 C

Motion by Brookhouser, seconded by Derby to approve a Professional Service/Consultant Agreement by and between the City of Plattsmouth and Southeast Nebraska Development District for CDBG #13-CIS-104 – Comprehensive Investment & Stabilization (Ph. 2, Round 1) Contract for CDBG Administrative Services and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9-NEW BUSINESS

##### ITEM 9 A

Motion by Kerns, seconded by Porter to receive the July 2, 2014 petition request for annexation of property legally described as Sublot One (1) of Tax Lot Seventy-Three (73), an Administrative Subdivision of all of Tax Lot Seventy-Three (73), located in the Southwest Quarter of the Northwest Quarter (SW ¼ NW1/4) of Section Twenty-Four (24), Township Twelve (12) North, Range Thirteen (13) East of the 6<sup>th</sup> PM, Cass County Nebraska, submitted by Bomgaars, Next Generation Properties of Nebraska and refer the request to the Planning Commission for a recommendation. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Motion by Riese, seconded by Brookhouser to approve an Amendment to the Agreement for Physician Medical Director City of Plattsmouth, Nebraska Emergency Medical Services Program by and between the City of Plattsmouth, Nebraska and Premier Health Care Services, Inc. and authorize the Mayor to execute the Amendment. Riese inquired about reports and studies. Portis stated that those would be questions for Mr. Wood-EMS Director. With no more discussion, ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Brookhouser, seconded by Wiemer to approve the Street Closing or Event Permit Application submitted by the Plattsmouth Chamber of Commerce for the Taste of Plattsmouth Business Expo on August 1, 2014 from 5:00 p.m. to 9:00 p.m. at the Entertainment Plaza, South 4<sup>th</sup> Street and Main Street. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Wiemer, seconded by Porter to approve the Street Closing or Event Permit Application submitted by the Korn Klub for The Plattsmouth Harvest Festival September 4, 2014 through September 7, 2014. The Fireworks Display on Friday, September 5, 2014 was discussed. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM E

Council Member Riese introduced a resolution numbered and titled as follows: **RESOLUTION NO. 14-020: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359**

Motion by Riese, seconded by Brookhouser to adopt RESOLUTION NO. 14-020 by title only:

**RESOLUTION NO. 14-020**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359.**

WHEREAS, the City of Plattsmouth acknowledges and accepts the duties set out in Neb. Rev. Stat. § 39-1359(2) and, if a claim is made against the State, the City shall indemnify, defend



and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of a special event.

WHEREAS, a portion of United States Highway 34 also known as Main Street; a portion of United States Highway 34 also known as South 6<sup>th</sup> Street from Main Street to 1<sup>st</sup> Avenue and 1<sup>st</sup> Avenue to Chicago Avenue; and a portion of United States Highway 34 also known as South 3<sup>rd</sup> Street from Main Street to 2<sup>nd</sup> Avenue, all located within the corporate limits of the City of Plattsmouth.

WHEREAS, the City must notify the Nebraska Department of Roads of a proposed closure of a State Highway or United States Highway under its control and jurisdiction, and the City must agree to indemnify the State of Nebraska.

WHEREAS, Kass Kounty King Korn Klub has requested the closure of US Highway 34, also known as Main Street, from 5<sup>th</sup> Street to 6<sup>th</sup> Street on September 3, 2014 for preliminary set up for a special event from 6:00 p.m. to 8:30 p.m.; Main Street from 3<sup>rd</sup> Street to 6<sup>th</sup> Street for a special event from September 4, 2014 at 4:00 a.m. through September 7, 2014 at 6:00 a.m.; South 6<sup>th</sup> Street from Main Street to 1<sup>st</sup> Avenue on September 4, 2014 at 4:00 a.m. through September 7, 2014 at 6:00 a.m.; South 3<sup>rd</sup> Street from Main Street to 2<sup>nd</sup> Avenue on September 4, 2014 from 4:00 a.m. to September 7, 2014 at 6:00 a.m.; 1<sup>st</sup> Avenue and South 6<sup>th</sup> Street to Chicago Avenue and Chicago Avenue from 1<sup>st</sup> Avenue to 8<sup>th</sup> Avenue on September 6, 2014 from 3:00 p.m. until 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska that, US Highway 34 be closed: Main Street from 5<sup>th</sup> Street to 6<sup>th</sup> Street on September 3, 2014 for preliminary set up for a special event from 6:00 p.m. to 8:30 p.m.; Main Street from 3<sup>rd</sup> Street to 6<sup>th</sup> Street for a special event from September 4, 2014 at 4:00 a.m. through September 7, 2014 at 6:00 a.m.; South 6<sup>th</sup> Street from Main Street to 1<sup>st</sup> Avenue on September 4, 2014 at 4:00 a.m. through September 7, 2014 at 6:00 a.m.; South 3<sup>rd</sup> Street from Main Street to 2<sup>nd</sup> Avenue on September 4, 2014 from 4:00 a.m. to September 7, 2014 at 6:00 a.m.; 1<sup>st</sup> Avenue and South 6<sup>th</sup> Street to Chicago Avenue and Chicago Avenue from 1<sup>st</sup> Avenue to 8<sup>th</sup> Avenue on September 6, 2014 from 3:00 p.m. until 8:00 p.m. and that the City of Plattsmouth accepts the duties set out in Neb. Rev. Stat. § 39-1359(2), if a claim is made against the State, the City shall indemnify, defend and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of a special event, and so notify the Nebraska Department of Roads.

PASSED AND APPROVED this 7<sup>th</sup> day of July 2014.

City of Plattsmouth, Nebraska  
Michael C. Bowman, Mayor

ATTEST:  
Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 14-020 in to the record by title only.  
ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-

None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Riese, seconded by Wiemer to approve the purchase of a twenty-two foot plate boat, with single axle trailer and 115 horsepower, 4 stroke Mercury motor and propeller from Clark Boat Company, Bellevue, Iowa, at a cost of \$29,754.00. Council discussed uses for the boat, was it budgeted (yes) and the boat being replaced. Following discussion ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Brookhouser, seconded by Tilson to approve Kevin Edwards as a new volunteer member of the Plattsmouth Emergency Medical Services Department. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Dugan, seconded by Wiemer to approve the Plattsmouth Department of Emergency Medical Services roster as presented. Brookhouser pointed out that Mr. Edwards is listed on the roster as a paid EMS member. Dugan amended his motion to approve the Plattsmouth Department of Emergency Services roster listing Kevin Edwards as a volunteer not as paid staff, which amended motion was seconded by Wiemer. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

7:33 p.m. Motion by Porter, seconded by Dugan to adjourn. On a voice vote, MOTION CARRIED.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk