

## PLATTSMOUTH CITY COUNCIL

August 3, 2015

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 August 3, 2015 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Steve Riese, Joe Dugan and Wanda Wiemer. Council Members Absent: Terry D. Tilson and Doug Derby. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Treasurer Roger Davis and City Attorney Stephen Q. Preston.

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 4-CITIZEN DELEGATION

Kevin Faris, Chairman of the Plattsmouth Airport Authority and Roxanne Pfeifer, Rishel & Pfeifer PC, Accountant for the Plattsmouth Airport Authority requested to be on the next Plattsmouth City Council Agenda to speak to the Mayor and Council regarding the Plattsmouth Airport.

### ITEM 5-MAYORAL PROCLAMATIONS

Mayor Lambert has not done any proclamations since the last meeting.

### ITEM 6-CONSENT AGENDA:

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

- A Consider approval of the July 20, 2015 City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Fr. Shine Council 1966 Knights of Columbus for a Reception being held at The Church of the Holy Spirit Parish Center, 518 South 18<sup>th</sup> Street, Plattsmouth on September 18, 2015 from 1:00 p.m. to 12:00 a.m.
- C Consider recommendation of approval of a Special Designated License filed by Fr. Shine Council 1966 Knights of Columbus for a Reception being held at The

Church of the Holy Spirit Parish Center, 518 South 18<sup>th</sup> Street, Plattsmouth on September 19, 2015 from 1:00 p.m. to 12:00 a.m.

D Consider recommendation of approval of a Special Designated License filed by Fr. Shine Council 1966 Knights of Columbus for a Reception being held at The Church of the Holy Spirit Parish Center, 518 South 18<sup>th</sup> Street, Plattsmouth on December 19, 2015 from 1:00 p.m. to 12:00 a.m.

E Consider approval of claims

Claims Register Report as of 8/3/2015

Vendor Name Amount

Pay Date: 7/24/15

Com Ctr 19189.73

EMS 8159.86

General 13358.66

Library 6947.35

Park and Cemetery 4525.8

Police 33696.89

Senior 2080.29

Street 10357.81

Water and Sewer 12915.68

111232.07

VARIOUS DEPARTMENTS:

AMERICAN FAMILY LIFE 773.42

AMERITAS LIFE INSURANCE CORP 155.02

AMERITAS LIFE INSURANCE CORP (pension) 12766.8

BLUE CROSS BLUE SHIELD 49947.1

CENTRAL UNITED LIFE INSURANCE 265.44

COLLECTION SERVICES CENTER 296.3

DELTA DENTAL PLAN 2469.2

FRATERNAL ORDER OF POLICE 180

INTERNAL REVENUE SERVICE 26864.87

MUTUAL OF OMAHA 713.77

NEBRASKA DEPARTMENT OF REVENUE (INCOME TAX) 3481.61

PLATTSMOUTH STATE BANK 471.92

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 20.09

FIRST BANKCARD 6.5

GLORIA WOLF 50

KATHRYN SHARP 125

KONICA MINOLTA BUSINESS SOLUTIONS 14.28

OLMSTED & PERRY ENGINEERING 1631.63  
THE JP COOKE COMPANY 17.3

Department : 02 - HUMANE/CODE ENFORCEMENT  
BOMGAARS SUPPLY 19.99  
NEBRASKA HUMANE SOCIETY 131

Department : 03 - EMS  
FORT DEARBORN LIFE INSURANCE CO 61.92  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 20.93  
IDEAL PURE WATER 21.63  
KATHRYN SHARP 200  
SGP SERVIES INC 265.75

Department : 04 - POLICE  
CASS COUNTY SHERIFF 3509  
FIRST BANKCARD 217.47  
JEFF HENRY CHEVROLET 69.3  
KONICA MINOLTA BUSINESS SOLUTIONS 11.2  
LINDER TIRE & AUTO INC 25  
WARGA BROADCASTING LLC 300

Department : 05 - STREET  
BADGER BODY & TRUCK EQUIPMENT 97  
BLACK HILLS ENERGY 45.42  
BOMGAARS SUPPLY 205.68  
FASTENAL COMPANY 9.79  
JOHN DEERE CREDIT 11.85  
LYMAN RICHEY CORPORATION 1893.7  
MICHAEL TODD & COMPANY INC 207.2  
OLMSTED & PERRY ENGINEERING 6167.71

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 369.79  
BLACK HILLS ENERGY 20.09  
CHARTER BUSINESS 61.2  
FIRST BANKCARD 1040.57  
GALE/CENGAGE LEARNING 100.48  
HEARTLAND TECHNOLOGY SOLUTIONS 661.25  
OKEEFE ELEVATOR CO INC 319.11  
UNIVERSAL MEDIA CORP 146.5

Department : 07 - PARK & REC  
BLACK HILLS ENERGY 20.09  
BOMGAARS SUPPLY 33.99

Department : 08 - CEMETERY  
BOMGAARS SUPPLY 11.99

FASTENAL COMPANY 11.95  
NEBRASKA PUBLIC POWER DISTRICT 29.31

Department : 10 - FIRE

FORT DEARBORN LIFE INSURANCE CO 168.56  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 20.96  
HEIMAN INC 12975.6  
IDEAL PURE WATER 21.62  
KATHRYN SHARP 200  
KENNY DILLON 51.51  
MULLENAX AUTO SUPPLY 139.8  
THE COLUMBUS TELEGRAM 28

Department : 11 - SENIOR CITIZEN CTR

BARONI ENTERPRISES 150  
BLACK HILLS ENERGY 33.97  
BOMGAARS SUPPLY 32.77  
PRO CHRYSLER DODGE JEEP RAM 63.26  
STEVES FLOOR COVERINGS INC 3344

Department : 16 - ECONOMIC DEVELOPMENT

OLMSTED & PERRY ENGINEERING 670.85

Department : 17 - COMMUNITY CENTER

BLACK HILLS ENERGY 305.73  
BODY BASICS INC 13.24  
COCA COLA REFRESHMENTS USA INC 318.6  
DEBRA S FLAHERTY 144.45  
FASTENAL COMPANY 2.11  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 1107.75  
HYVEE 5.04  
KS STATEBANK 1048  
KYLE SAYLER (SCREEN PRINTING) 274.5  
MECHANICAL SALES INC 5165  
MENARDS 153.54  
NEBRASKA AIR FILTER INC 275.18  
PLATTSMOUTH CHAMBER OF COMMERCE 25  
SOUTHWEST IOWA PUBLISHING COMPANY LLC 136.6  
TINA RENNER 40

Department : 18 - AQUATIC

AQUA CHEM INC 773.63  
BLACK HILLS ENERGY 1336.86  
CHARTER BUSINESS 38.36  
COCA COLA REFRESHMENTS USA INC 1479.73  
FIRST BANKCARD 43.7

Department : 20 - WATER

AMERICAN UNDERGROUND SUPPLY LLC 240  
BLACK HILLS ENERGY 22.14  
BOMGAARS SUPPLY 487.45  
DPC INDUSTRIES INC 352.5  
HD SUPPLY FACILITIES MAINTENANCE LTD 135.93  
HD SUPPLY WATERWORKS LTD 125  
KNIGHT TRUCKING LLC 633.61  
MISSISSIPPI LIME COMPANY 3679.5  
MUNICIPAL AUTOMATION & CONTROL 683.52  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 145  
NEBRASKA PUBLIC POWER DISTRICT 9110.08  
TYLER TECHNOLOGIES 90

Department : 30 - SEWER  
BLACK HILLS ENERGY 137.61  
BOMGAARS SUPPLY 238.81  
MUNICIPAL AUTOMATION & CONTROL 925.24  
NEBRASKA PUBLIC POWER DISTRICT 3552.76  
TYLER TECHNOLOGIES 90

Department : 37 - ECONOMIC DEVELOPMENT - RIVER FRONT  
OLMSTED & PERRY ENGINEERING 37.5  
NEBRASKA PUBLIC POWER DISTRICT 2234.11  
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 99.38  
THE THOMPSON COMPANY 2674.88

Department : 20 - WATER  
ACTION BATTERIES UNLIMITED INC 33.9  
AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA 5516  
AMERICAN UNDERGROUND SUPPLY LLC 94.41  
CHARLES S SCHREIBER 130  
DISCOVERY BENEFITS INC 10.5  
DPC INDUSTRIES INC 352.5  
FRANK & KAREN PROHASKA 130  
HACH COMPANY 1138.39  
LOGAN CONTRACTORS SUPPLY CO 494.1  
MARTIN MARIETTA AGGREGATES 768.9  
MUNICIPAL SUPPLY INC 413.99  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 960.59  
NEBRASKA PUBLIC POWER DISTRICT 27.62  
ONE CALL CONCEPTS INC 38.47  
PETTY CASH WATER DEPARTMENT 459.36  
SHELL FLEET PLUS 250.51  
TERRY LINDSEY 180.21  
VERIZON WIRELESS 94.44  
WATER & SEWER DEPARTMENT 796.49  
WINDSTREAM 108.13

Department : 24 - DRUG FORFEITURE  
VERIZON WIRELESS 54.7

Department : 30 - SEWER  
DXP ENTERPRISES INC 57.28  
FASTENAL COMPANY 18.82  
FRANK & KAREN PROHASKA 195  
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 147.09  
HD SUPPLY FACILITIES MAINTENANCE LTD 149.49  
LINDER TIRE & AUTO INC 10  
MIDWEST LABORATORIES INC 540  
ONE CALL CONCEPTS INC 38.48  
SHELL FLEET PLUS 551.7  
STEUBES THRIFTWAY 3.84  
THE FRAZIER COMPANY 275  
VERIZON WIRELESS 51.77  
WINDSTREAM 109.06

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

#### ITEM 7-UNFINISHED BUSINESS

##### ITEM 7 A

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 3 submitted by Oldcastle Materials Midwest Co. in the amount of \$153,809.82 for the CDBG Water and Sewer Street Improvements -Project Contract No. 2. Perry stated that this is a progress payment and that the work is complete except for sod. The walk-thru has been done. Motion by Brookhouser, seconded by Wiemer to approve Contractor's Application for Payment No. 3 submitted by Oldcastle Materials Midwest Co. in the amount of \$153,809.82 for the CDBG Water and Sewer Street Improvements -Project Contract No. 2 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Kerns, Wiemer, Riese, Dugan, Porter and Brookhouser. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED.

##### ITEM 7 B

Council member Kerns stated that he would be abstaining from any discussion or action on Items 7 B and 7 C as he is president and majority shareholder for Kerns Excavating Co. Inc. Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 4 submitted by Kerns Excavating Co. Inc. in the amount of \$36,789.90 for the CDBG Water and Sewer Street Improvements – Project Contract No. 1. Mr. Perry stated that this a progress payment for work completed through July 24, 2015. Motion by Porter, seconded by Riese to approve Contractor's Application for Payment No. 4 submitted by Kerns Excavating Co. Inc. in the amount of \$36,789.90 for the CDBG Water and Sewer Street Improvements – Project Contract No. 1 and authorize the Mayor to execute Pay Application No. 4. ROLL

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

#### ITEM 7 C

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 for a seven (7) day contract time extension for Kerns Excavating Co. Inc. for the CDBG Water and Sewer Street Improvements – Project Contract No. 1. The original completion date was July 31, 2015 but due to rains the request is to extend the contract completion date to August 7, 2015 (7 days). Motion by Porter, seconded by Wiemer to approve Change Order No. 1 for a seven (7) day contract time extension for Kerns Excavating Co. Inc. for the CDBG Water and Sewer Street Improvements – Project Contract No. 1 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Riese, Dugan, Wiemer, Brookhouser and Porter. No-None. Absent-Tilson and Derby. Abstain-Kerns. MOTION CARRIED.

#### ITEM 7 D

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 for a 14 day contract time extension to Oldcastle Materials Midwest Co. for the CDBG Water and Sewer Street Improvements – Project Contract No. 2. This 14 day extension will accommodate the laying of sod which will complete the project. Motion by Wiemer, seconded by Dugan to approve Change Order No. 2 for a 14 day contract extension to Oldcastle Materials Midwest Co. for the CDBG Water and Sewer Street Improvements – Project Contract No. 2 and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Porter, Brookhouser, Dugan, Riese, Wiemer and Kerns. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED.

#### ITEM 7 E

Ervin Portis, City Administrator gave background on the Nebraska Department of Economic Development requirements to have a policy for assessing limited English proficiency in place to continue CDBG eligibility. Motion by Brookhouser, seconded by Wiemer to approve the Four Factor Analysis for Assessing Limited English Proficiency and authorize the Mayor to execute the document (part of the Application to 2015 CDBG Program-CIS Phase II Implementation: Year 2). ROLL CALL: Yes-Brookhouser, Wiemer, Kerns, Porter, Dugan and Riese. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED.

#### ITEM 8-NEW BUSINESS

##### ITEM 8 A

Council member Kerns introduced an Ordinance numbered and titled as follows: **ORDINANCE NO. 1897- AN ORDINANCE ENACTING CHAPTER 8, ARTICLE 4, SECTION 8-402.01 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO APPLICATIONS FOR THE SALE OF FIREWORKS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE**

Motion by Kerns, seconded by Porter that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1897 be adopted on first reading by title only. ROLL CALL: Yes-Riese, Porter, Dugan, Brookhouser, Kerns and Wiemer. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read Ordinance No. 1897 in to the record by title only. Riese moved for final passage of Ordinance No. 1897 by title only, which motion was seconded by Porter. ROLL CALL: Yes-Wiemer, Kerns, Riese, Dugan, Porter and Brookhouser. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read Ordinance No. 1897 in to the record by title only.

#### ITEM 8 B

Council member Riese introduced an Ordinance numbered and titled as follows: **ORDINANCE NO. 1898- AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 4, ARTICLE 1, SECTION 4-144.01 RELATED TO THE IMPLEMENTATION OF RESOLUTION NO. 11-044 CREATING LIMITED TRUCK ROUTES WITHIN THE CORPORATE LIMITS OF THE CITY AND TO ESTABLISH A PENALTY FOR THE VIOLATION OF THE SAME; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE**

Motion by Riese, seconded by Wiemer that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1898 be adopted on first reading by title only. ROLL CALL: Yes-Dugan, Brookhouser, Porter, Wiemer, Riese and Kerns. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read Ordinance No. 1898 in to the record by title only. Riese moved for final passage of Ordinance No. 1898 by title only, which motion was seconded by Brookhouser. ROLL CALL: Yes-Kerns, Riese, Dugan, Brookhouser, Porter and Wiemer. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read Ordinance No. 1898 in to the record by title only.

#### ITEM 8 C

Motion by Brookhouser, seconded by Dugan to approve a Street Closing or Event Permit Application submitted by Kass Kounty King Korn Klub Inc. for The Plattsmouth Harvest Festival being held September 10, 2015 through September 13, 2015 contingent on the EMS Director's approval. ROLL CALL: Yes-Porter, Wiemer, Riese, Kerns, Brookhouser and Dugan. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED.

#### ITEM 8 D

Motion by Riese, seconded by Dugan to receive the Municipal Airport Authority Resolution 15-01 regarding a preliminary levy request and refer the Resolution to the City Administrator and City Treasurer for consideration within the City of Plattsmouth fiscal year 2015-16 budget and property tax request. ROLL CALL: Yes-Dugan, Brookhouser, Porter, Riese, Wiemer and



Kerns. No-None. Absent-Tilson and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 E; ITEM 8 F; ITEM 8 G; ITEM 8 H; ITEM 8 I; ITEM 8 J; and ITEM 8 K

Items 8 E through 8 K were not considered. No discussion or action.

ITEM 11

7:31 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