

## PLATTSMOUTH CITY COUNCIL

August 1, 2016

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 1, 2016 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Joe Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Larry Welch, Jr.

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.

Mayor Lambert introduced Larry Welch Jr., Attorney and stated that he would be representing the city, as their City Attorney, in the absence of Mr. Preston.

### ITEM 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

### ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

### ITEM 7-INTRODUCTION

Mayor Lambert introduced Lyn Belitz-Southeast Community College Plattsmouth Learning Center Coordinator.

### ITEM 8-CONSENT AGENDA:

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

- A Consider approval of the July 18, 2016 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 8/1/16

Dept Name / Vendor Name Amount

Pay Date: 7/25/16

Com Ctr 20367.54

EMS 9035.45

General 13791.35

Library 7305.74

Parks and Cemetery 4629.3

Police 34759.04

Senior 2292.56

Street 11748.28

Water and Sewer 13326.73

117255.99

Various

AMERICAN FAMILY LIFE 629.12

AMERITAS 14065.2

AMERITAS LIFE INSURANCE CORP 155.02

BLUE CROSS BLUE SHIELD 63856.67

COLLECTION SERVICES CENTER 280.8

DELTA DENTAL PLAN 5636.8

FRATERNAL ORDER OF POLICE 180

HARTFORD LIFE INSURANCE COMPANY 226.4

INTERNAL REVENUE SERVICE 28242.14

MUTUAL OF OMAHA 801.98

NEBRASKA DEPARTMENT OF REVENUE 3663.43

NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 13430.55

PLATTSMOUTH COMMUNITY CENTER 21.4

PLATTSMOUTH STATE BANK 720.01

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 22.03

BOMGAARS SUPPLY 55.8

FIRST BANKCARD 422.46

KATHRYN SHARP 125

KONICA MINOLTA BUSINESS SOLUTIONS 15.51

MIDWEST SCAFFOLD SERVICE LLC 129.77

NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES 22817

OLMSTED & PERRY ENGINEERING 413.21

PITNEY BOWES INC 209.06

SOFTCHOICE CORPORATION 114.08

VOSS ELECTRIC CO 294.9

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 12.97

MELANIE BOEHM 19.73

NEBRASKA HUMANE SOCIETY 98

PLATTSMOUTH ANIMAL HOSPITAL PC 25

Department : 03 - EMS

BLACK HILLS ENERGY 17.55  
FORT DEARBORN LIFE INSURANCE CO 86  
MATHESON TRI-GAS INC 381.8  
METRO BILLING SERVICES LLP 400  
WALKERS INC 27.74

Department : 04 - POLICE

ALAMAR UNIFORMS 63.99  
ARROWHEAD SCIENTIFIC INC 88.12  
BOMGAARS SUPPLY 6.99  
CASS COUNTY SHERIFF 30000  
JEFF HENRY CHEVROLET 37.3  
KONICA MINOLTA BUSINESS SOLUTIONS 13.07  
MULLENAX AUTO SUPPLY 13.49  
UNMC PHYSICIANS CORPORATION 285  
WINDSTREAM 327.87

Department : 05 - STREET

BLACK HILLS ENERGY 45.68  
BOMGAARS SUPPLY 201.14  
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 471.75  
LYMAN RICHEY CORPORATION 2156.19  
MICHAEL TODD & COMPANY INC 169.83  
OLMSTED & PERRY ENGINEERING 3435.03  
W W SANDBLASTING 160

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 627.23  
BIBLIOTHECA INC 313  
BLACK HILLS ENERGY 23.72  
FIRST BANKCARD 1734.36  
INNOVATIVE INTERFACES INC 11205.47  
PITNEY BOWES INC 39.09  
THE PENWORTHY CO 114.29

Department : 07 - PARKS

BLACK HILLS ENERGY 22.03  
BOMGAARS SUPPLY 134.27  
MARK MOREHEAD CONSTRUCTION 2500

Department : 08 - CEMETERY

NEBRASKA PUBLIC POWER DISTRICT 30.79

Department : 10 - FIRE

BLACK HILLS ENERGY 17.54  
FORT DEARBORN LIFE INSURANCE CO 144.48  
WALKERS INC 27.76

Department : 11 - SENIOR CITIZEN CTR  
BLACK HILLS ENERGY 15.1  
STRATUS BUILDING SOLUTION OF ARIZONA 219  
WALKERS INC 98.7

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 116.25

Department : 17 - COMMUNITY CENTER  
AQUA CHEM INC 200  
BLACK HILLS ENERGY 135.92  
BRITT WINTERS 56  
DEBRA S FLAHERTY 165  
FASTENAL COMPANY 7.57  
FIRST BANKCARD 106.03  
HYVEE 92.55  
KS STATEBANK 1048  
NEBRASKA AIR FILTER INC 224.42  
SHERI PETTIS 28  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
WALKERS INC 57.6

Department : 18 - AQUATIC  
AQUA CHEM INC 870.5  
BLACK HILLS ENERGY 309.3  
CHARTER BUSINESS 48.29  
THE THOMPSON COMPANY 4284.69

Department : 20 - WATER  
BLACK HILLS ENERGY 48.56  
BOMGAARS SUPPLY 210.88  
DPC INDUSTRIES INC 549  
HD SUPPLY WATERWORKS LTD 244.2  
MISSISSIPPI LIME COMPANY 3892.5  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 1201.97  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 156  
NEBRASKA PUBLIC POWER DISTRICT 8126.29  
NEBRASKA SAFETY COUNCIL INC 140  
OLMSTED & PERRY ENGINEERING 8615.24  
PAYLESS OFFICE PRODUCTS 36.18  
TRANSWOOD LOGISTICS INC 812.17  
TYLER TECHNOLOGIES 90

Department : 30 - SEWER  
BLACK HILLS ENERGY 298.01  
BOMGAARS SUPPLY 240.81  
DXP ENTERPRISES INC 483.7  
NEBRASKA PUBLIC POWER DISTRICT 3201.03  
NEBRASKA SAFETY COUNCIL INC 140

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

ITEM 9-UNFINISHED BUSINESS

ITEM 9 A

Council member Kerns stated that he would be abstaining from any discussion or action on Items 9 A and 9 B as he has a conflict of interest. Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2, in the amount of (+)28,521.00 for a total project cost of \$353,062.50 and recommends approval. Motion by Riese, seconded by Wiemer to approve Change Order No. 2 submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2, in the amount of (+)28,521.00 for a total project cost of \$353,062.50; and authorize the Mayor to execute Change Order No.2. ROLL CALL: Yes-Wiemer, Riese, Tilson, Porter, Brookhouser, Derby and Dugan. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 1 submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2 in the amount of \$121,272.09 and recommends approval of Payment No. 1. Motion by Wiemer, seconded by Dugan to approve Contractor's Application for Payment No. 1 submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2 in the amount of \$121,272.09 ; and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Dugan, Tilson, Derby, Brookhouser, Porter, Wiemer and Dugan. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 C

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.1 submitted by AZS Industries LLC dba Splashtacular in the amount of \$24,750.00 for the Twin Rivers Slide Tower Stair and Platform Replacement project. Mr. Perry recommended approval of Contractor's Application for Payment No.1 in the amount of \$24,750.00. Motion by Porter, seconded by Kerns to approve Contractor's Application for Payment No.1 submitted by AZS Industries LLC dba Splashtacular in the amount of \$24,750.00 for the Twin Rivers Slide Tower Stair and Platform Replacement project; and authorize the Mayor to execute Pay Application No. 1. Following discussion on the outstanding items, ROLL CALL: Yes-Derby, Porter, Wiemer, Kerns, Dugan, Brookhouser, Riese and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9 D

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Oldcastle Materials Midwest for the Livingston Road Improvements – Phase IV - Project Contract No.1, to extend the completion date by 40 days to September 24, 2016. Motion by Porter, seconded by Brookhouser to approve Change Order No. 1 submitted by Oldcastle Materials Midwest for the Livingston Road Improvements – Phase IV - Project Contract No.1, to extend the completion date by 40 days to September 24, 2016, and authorize the Mayor to execute Change Order No.1. ROLL CALL: Yes-Wierner, Dugan, Brookhouser, Tilson, Porter, Riese, Kerns and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9 E

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 submitted by Midwest Fence Company-Guardrail Systems Inc. for the Livingston Road Improvements – Phase IV Project Contract No. 2, to extend the completion date by 40 days to September 24, 2016. Motion by Riese, seconded by Derby to approve Change Order No. 1 submitted by Midwest Fence Company-Guardrail Systems Inc. for the Livingston Road Improvements – Phase IV Project Contract No. 2, to extend the completion date by 40 days to September 24, 2016 and authorize the Mayor to execute Change Order No.1. ROLL CALL: Yes-Derby, Wierner, Dugan, Riese, Tilson, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9 F

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he is a potential bidder on this project. Motion by Wierner, seconded by Derby to approve an agreement for Wastewater Services by and between the City of Plattsmouth and Omaha Tank Wash, LLC, contingent on execution of the Agreement by an authorized representative of Omaha Tank Wash, LLC; and authorize the Mayor to execute the Agreement. Bill Reinsch, Attorney for Omaha Tank Wash, LLC was available to answer any questions. Council verified that Omaha Tank Wash has been in existence since 2005 and that approval of the agreement before them does not transfer with the sale of the property or the company. ROLL CALL: Yes-Brookhouser, Derby, Dugan, Wierner, Tilson, Porter and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

#### ITEM 9 G

City Administrator Ervin Portis recommended the council lay over third reading of ORDINANCE NO. 1910 and take no action as he is aware of additional statutes that need to be reviewed pertaining to trailer courts. NO ACTION TAKEN.

#### ITEM 9 H

Upon consideration of additional information regarding specially assessing the real estate located at 1617 2<sup>nd</sup> Avenue, Motion by Tilson, seconded by Dugan to accept a check in the amount of \$480.00 as payment in full and take no action on RESOLUTION NO. 16-014. ROLL CALL:

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

#### ITEM 10-NEW BUSINESS

##### ITEM 10 A

Pursuant to publication, Mayor Lambert opened a public hearing at 7:29 p.m. to hear and consider public comments regarding the annexation of property legally described as: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERESECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES

MORE OR LESS. No one spoke in favor, in opposition or neutral. Mayor Lambert closed the public hearing at 7:30 p.m.

ITEM 10 B

City Council member Riese introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1911: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERESECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES MORE OR LESS



Motion by Riese, seconded by Wiemer to approve first reading of ORDINANCE NO. 1911 by title only. ROLL CALL: Yes-Tilson, Derby, Porter, Wiemer, Brookhouser, Kerns, Riese and Dugan. No-None. Abstain-None. Absent-None. MOTION CARRIED. City Administrator Ervin Portis read ORDINANCE NO. 1911 in to the record by title only.

ITEM 10 C

Motion by Brookhouser, seconded by Tilson to rescind RESOLUTION NO. 16-011 due to payment in full (\$468.97) on July 20, 2016. ROLL CALL: Yes-Dugan, Kerns, Riese, Derby, Porter, Wiemer, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 D

Motion by Brookhouser, seconded by Wiemer to receive the Plattsouth Municipal Airport Authority Resolution No 16-02 regarding a preliminary levy request and refer the Resolution to the City Administrator and City Treasurer for consideration within the City of Plattsouth fiscal year 2016-17 budget and property tax request. ROLL CALL: Yes-Porter, Dugan, Derby, Brookhouser, Kerns, Tilson, Wiemer and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 E

Motion by Wiemer, seconded by Riese to approve a Street Closing or Event Permit Application submitted by Kass Kounty King Korn Klub Inc. for The Plattsouth Harvest Festival to be held September 7, 2016 through September 11, 2016 and authorize the clerk to issue the permit as requested. ROLL CALL: Yes-Derby, Wiemer, Riese, Tilson, Brookhouser, Kerns and Porter. No-Dugan, Absent-None. Abstain-None. MOTION CARRIED.

ITEM 13

7:43 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