

PLATTSMOUTH CITY COUNCIL

October 3, 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 October 3, 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 Damien Wright.

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 proclamations.

ITEM 7-CONSENT AGENDA

Council Member Tilson requested that Item 6 D be removed from the Consent Agenda to be given separate consideration regarding an amendment to the date of the event.

Motion by Tilson, seconded by Kerns to approve the Consent Agenda with Item D being removed for separate consideration:

- A Consider approval of the September 19, 2016 City Council Meeting Minutes
- B Consider ratifying the Administrative recommendation for approval of a Special Designated License Application submitted by Veterans VFW 2543, 510 1<sup>st</sup> Avenue, Plattsmouth for a Car Show on Friday, October 7, 2016 (Alternate date of October 14, 2016) on Main Street from Richey Street west to 7<sup>th</sup> Street and adjoining side streets as indicated on the attached diagram from 2:00 p.m. to 11:00 p.m.

- C Consider ratifying the Administrative recommendation for approval of a Special Designated License Application submitted by The Grass Is Always Greener Inc. d/b/a The Cigar Factory, 525 Main Street, Plattsmouth for a Car Show on Friday, October 7, 2016 (Alternate date of October 14, 2016) on Main Street from Richey Street west to 7<sup>th</sup> Street and adjoining side streets as indicated on the attached diagram from 10:00 a.m. to 10:00 p.m.
  
- E Consider approval of claims

Claims Register Report as of 10/3/16

Dept Name / Vendor Name Amount

Pay Date: 9/30/16

Com Ctr 8402.38

EMS 9688.09

General 13897.19

Library 7104.62

Parks and Cemetery 4505.8

Police 33137.3

Senior 2281.67

Street 11748.28

Water and Sewer 13002.04

103767.37

Various

AMERICAN FAMILY LIFE 629.12

AMERITAS 14018.11

AMERITAS LIFE INSURANCE CORP 155.02

BLUE CROSS BLUE SHIELD 61931.33

COLLECTION SERVICES CENTER 280.8

DELTA DENTAL PLAN 2855.1

HARTFORD LIFE INSURANCE COMPANY 186.4

INTERNAL REVENUE SERVICE 26061.25

MUTUAL OF OMAHA 771.29

NEBRASKA DEPARTMENT OF REVENUE 3584.96

PLATTSMOUTH COMMUNITY CENTER 21.4

PLATTSMOUTH STATE BANK 720.01

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 22.04

BOMGAARS SUPPLY 57.02

CHARTER BUSINESS 47.63

FIRST BANKCARD 742.74

KONICA MINOLTA BUSINESS SOLUTIONS 25.89

WELCH LAW FIRM LLC 6012

Department : 02 - HUMANE/CODE ENFORCEMENT  
BOMGAARS SUPPLY 125.53  
FIRST BANKCARD 189.99

Department : 03 - EMS  
ALEGENT CREIGHTON HEALTH 70  
BLACK HILLS ENERGY 18.32  
BOUND TREE MEDICAL LLC 2450.05  
FIRST BANKCARD 731  
FORT DEARBORN LIFE INSURANCE CO 123.84  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 20.54  
KONICA MINOLTA BUSINESS SOLUTIONS 45.91  
MATHESON TRI-GAS INC 90.23  
MICHAEL WOOD 348.2  
STERICYCLE INC 1393.66  
WALKERS INC 13.87

Department : 04 - POLICE  
4IMPRINT INC 320.23  
ALEGENT CREIGHTON HEALTH 70  
BAUDVILLE INC 101.78  
CASS COUNTY SHERIFF 3509  
DEBRA S FLAHERTY 256  
FIRST BANKCARD 279.7  
JACKS UNIFORMS & EQUIPMENT 707.88  
JEFF HENRY CHEVROLET 217.3  
KONICA MINOLTA BUSINESS SOLUTIONS 14.07  
KRISTEN LEIGH STROMSODT 250  
NEBRASKA LAW ENFORCEMENT TRAINING CENTER 50  
PAYLESS OFFICE PRODUCTS 71.43  
PETTY CASH POLICE 11.15  
REID RICHTER 67.36

Department : 05 - STREET  
BLACK HILLS ENERGY 24.29  
BOMGAARS SUPPLY 154.61  
FIRST BANKCARD 192  
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 179.99  
LOGAN CONTRACTORS SUPPLY CO 79.9  
LYMAN RICHEY CORPORATION 565.9  
OLMSTED & PERRY ENGINEERING 15934.18  
RHYLANDER WELDING & MFG INC 15

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 465.19  
BLACK HILLS ENERGY 23.86  
BOMGAARS SUPPLY 0.39  
COMMERCIAL FLOORING SYSTEMS INC 4825

DEMCO 122.41  
FIRST BANKCARD 1284.6  
OKEEFE ELEVATOR CO INC 681  
THOMAS K HOLKEBOER 1075

Department : 07 - PARKS  
ALEGENT CREIGHTON HEALTH 70  
BLACK HILLS ENERGY 22.04  
BOMGAARS SUPPLY 19.57

Department : 08 - CEMETERY  
NEBRASKA PUBLIC POWER DISTRICT 29.69

Department : 10 - FIRE  
ALERT-ALL CORPORATION 2910  
BLACK HILLS ENERGY 18.32  
FIRST BANKCARD 391.7  
FORT DEARBORN LIFE INSURANCE CO 151.36  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 20.56  
HYVEE 217.26  
JOSEPH R GRADOVILLE 123.9  
KONICA MINOLTA BUSINESS SOLUTIONS 45.92  
MAIN STREET JEWELERS 156  
WALKERS INC 13.88

Department : 11 - SENIOR CITIZEN CTR  
BLACK HILLS ENERGY 25.82  
DAWN THUMSER 166.32  
RECORD AUTOMATIC DOORS INC 285  
STRATUS BUILDING SOLUTION OF ARIZONA 219  
UNITED STATES POSTAL SERVICE 94  
WORTHINGTON DIRECT HOLDINGS LLC 818.93

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 1466.25  
PLATTSMOUTH MAIN STREET ASSOCIATION 5500

Department : 17 - COMMUNITY CENTER  
ALEGENT CREIGHTON HEALTH 70  
BLACK HILLS ENERGY 232.35  
BOMGAARS SUPPLY 12.58  
DAVID D WARREN 150  
DAVID HUNTINGTON 476.69  
ECHO GROUP INC 95.58  
EGAN SUPPLY CO 197.53  
FIRST BANKCARD 280.6  
KS STATEBANK 1048  
OKEEFE ELEVATOR CO INC 173.22

STEPHEN C WARGA 36  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
WALKERS INC 57.6

Department : 18 - AQUATIC  
BLACK HILLS ENERGY 24.13  
BOMGAARS SUPPLY 24.37  
CHARTER BUSINESS 79.88

Department : 20 - WATER  
BLACK HILLS ENERGY 73.25  
BOMGAARS SUPPLY 40.38  
DPC INDUSTRIES INC 2455  
DUGAN BUSINESS FORMS 1144.29  
HD SUPPLY WATERWORKS LTD 240.6  
LYMAN RICHEY CORPORATION 276.9  
NEBRASKA PUBLIC POWER DISTRICT 6397.32  
WATER & SEWER DEPARTMENT 628.83  
WELCH LAW FIRM LLC 2004

Department : 24 - DRUG FORFEITURE  
JEFF HENRY CHEVROLET 940

Department : 30 - SEWER  
AMERICAN UNDERGROUND SUPPLY LLC 119.57  
BLACK HILLS ENERGY 189.83  
BOMGAARS SUPPLY 216.31  
DUGAN BUSINESS FORMS 1144.28  
NEBRASKA PUBLIC POWER DISTRICT 3418.48  
WELCH LAW FIRM LLC 2004

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

#### ITEM 7 D

Motion by Kerns, seconded by Tilson to approve Item 7 D as amended: Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole, 441 Main Street for the Chamber of Commerce Dinner Auction/Annual Meeting being held at Plattsmouth Community Center, 308 S. 18<sup>th</sup> Street, Plattsmouth on November 4, 2016 (Alternate date of November 5, 2016) from 2:00 p.m. to midnight. ROLL CALL: Yes-Brookhouser, Wiemer, Riese, Kerns, Derby, Porter, Tilson and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

City Council member Wiemer introduced an ordinance numbered and titled as follows: Ordinance No. 1916: **AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PLATTSMOUTH, NEBRASKA, BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2); TO REPEAL ALL ORDINANCES IN CONFLICT; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Wiemer, seconded by Derby to approve third and final reading of ORDINANCE NO. 1916 by title only. ROLL CALL: Yes-Riese, Kerns, Dugan, Porter, Tilson, Brookhouser, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Damien Wright. read Ordinance 1916 into the record by title only.

ITEM 8 B

Council Member Kerns stated that he would be abstaining from any discussion or action on Item 8 B and Item 8 C as he has a conflict of interest.

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. stated that Change Order No. 3 submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2, in the amount of (-)\$7,722.20 for a total project cost of \$ 345,340.30 reflects an adjustment of final quantities. Motion by Brookhouser, seconded by Tilson to approve Change Order No. 3 submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2, in the amount of (-)\$7,722.20 for a total project cost of \$ 345,340.30 and authorize the Mayor to execute Change Order No.3. ROLL CALL: Yes-Derby, Tilson, Dugan, Wiemer, Riese, Brookhouser and Porter. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 C

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. stated that Contractor's Application for Payment No. 3 (Final) submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2 in the amount of \$ 114,056.50 was final and all close-out documents have been received. Motion by Wiemer, seconded by Dugan to approve Contractor's Application for Payment No. 3 (Final) submitted by Kerns Excavating Co. Inc. for the CDBG Street and Water Improvements – Phase 2 Project Contract No.2 in the amount of \$ 114,056.50 ; and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Porter, Riese, Derby, Brookhouser Dugan, Tilson and Wiemer. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 D

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. stated that Change Order No. 2 submitted by Oldcastle Materials Midwest for the CDBG Street and Water Improvements – Phase 2 Project Contract No. 1 in the amount of (-)\$2,404.90 for a total project cost of \$118,096.00 reflects the adjustment of final quantities. Motion by Brookhouser, seconded by Tilson to approve Change Order No. 2 submitted by Oldcastle Materials Midwest for the CDBG Street and Water Improvements – Phase 2 Project Contract No. 1 in the amount of (-)\$2,404.90 for a total project cost of \$118,096.00 and authorize the Mayor to execute Change Order No.2. ROLL CALL: Yes-Wierner, Kerns, Riese, Porter, Derby, Brookhouser, Dugan and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. stated that Contractor’s Application for Payment No. 2 (Final) submitted by Oldcastle Materials Midwest for the CDBG Street and Water Improvements – Phase 2 Project Contract No. 1 in the amount of \$11,562.10 is the final due based on the adjusted contract amount. All close out documents have been received. Motion by Riese, seconded by Wierner to approve Contractor’s Application for Payment No. 2 (Final) submitted by Oldcastle Materials Midwest for the CDBG Street and Water Improvements – Phase 2 Project Contract No. 1 in the amount of \$11,562.10; and authorize the Mayor to execute Pay Application No.2. ROLL CALL: Yes-Tilson, Dugan, Brookhouser, Derby, Porter, Wierner, Kerns and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. stated that Contractor’s Application for Payment No.2 submitted by Midwest Fence-Guardrail Systems in the amount of \$32,782.50 for the Livingston Road Phase IV Project Contract No. 2 reflects the work that is complete as of last week. Motion by Kerns, seconded by Wierner to approve Contractor’s Application for Payment No.2 submitted by Midwest Fence-Guardrail Systems in the amount of \$32,782.50 for the Livingston Road Phase IV Project Contract No. 2 ; and authorize the Mayor to execute Pay Application No. 2. Following discussion, ROLL CALL: Yes-Derby, Porter, Wierner, Kerns, Dugan, Brookhouser, Riese and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 G

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. stated that Contractor’s Application for Payment No. 1 submitted by Oldcastle Materials Midwest Co. in the amount of \$102,056.04 for the Livingston Road Phase IV Project Contract No. 1 reflects a progress pay request. Motion by Riese, seconded by Porter to approve Contractor’s Application for Payment No. 1 submitted by Oldcastle Materials Midwest Co. in the amount of \$102,056.04 for the Livingston Road Phase IV Project Contract No. 1; and authorize the Mayor to execute Pay Application No. 1.

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

#### ITEM 9-NEW BUSINESS

##### ITEM 9 A

Council member Kerns introduced an ordinance numbered and titled as follows: Ordinance No. 1918: AN ORDINANCE AUTHORIZING EXECUTION AND DELIVERY OF A THIRD ADDENDUM TO LEASE PURCHASE AGREEMENT WITH THE CITY OF PLATTSMOUTH FACILITIES CORPORATION, AMENDING AND CONFIRMING THE TERMS OF A LEASE PURCHASE AGREEMENT, AS PREVIOUSLY AMENDED, RELATING TO THE ACQUISITION AND LEASING OF A COMMUNITY CENTER FOR THE CITY OF PLATTSMOUTH; APPROVING THE EXECUTION OF DOCUMENTS WITH RESPECT TO SAID THIRD ADDENDUM; APPROVING THE TERMS OF A MORTGAGE, TRUST INDENTURE AND SECURITY AGREEMENT; MAKING CERTAIN DETERMINATIONS WITH RESPECT TO BONDS TO BE ISSUED UNDER SUCH INDENTURE; PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING BONDS; APPROVING THE TERMS OF A BOND PURCHASE AGREEMENT; AND PROVIDING FOR THE PUBLISHING OF THIS ORDINANCE.

John Trecek, Ameritas Investment Corp. stated that the Ordinance before council was to authorize refinancing of existing debt on the Plattsmouth Community Center. The refinancing will save more than \$500,000.00 over the course of the bonds. Mr. Trecek recommended that the council suspend the rules for reading an ordinance on three separate days and adopt Ordinance No. 1918 on third and final reading tonight.

Motion by Kerns, seconded by Brookhouser that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1918 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Wiemer, Dugan, Riese, Tilson, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Damien Wright read Ordinance No. 1918 in to the record by title only. Riese moved for final passage of the ordinance, which motion was seconded by Wiemer. ROLL CALL: Yes-Tilson, Derby, Porter, Dugan, Brookhouser, Kerns, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Damien Wright read Ordinance No. 1918 in to the record by title only.

##### ITEM 9 B

Motion by Brookhouser, seconded by Tilson to approve the appointment of the following new members to the Plattsmouth Volunteer Fire Department: Jordon Williams; Colton Vincent; and Todd Carpenter. ROLL CALL: Yes-Wiemer, Kerns, Riese, Derby, Porter, Tilson, Brookhouser and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.



ITEM 9 C

Motion by Wiemer, seconded by Dugan to approve the Plattsmouth Volunteer Fire Department Roster (50 members). ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

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

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk