

## PLATTSMOUTH CITY COUNCIL

August 6, 2018

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 6, 2018 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Cheryl Grimshaw, Sean Minahan, Wanda Wiemer and Doug Derby. 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 July 26, 2018 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-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 July 16, 2018 City Council Meeting Minutes
- B Consider a Special Designated License application submitted by Mayden Layne Enterprises d/b/a DC's Waterhole for the Plattsmouth Harvest Festival Beer Garden being held at South 4<sup>th</sup> Street and Main Street-Entertainment Plaza on September 7, 2018 from 11:00 a.m. to 12:30 a.m. and September 8, 2018 from 11:00 a.m. to 12:30 a.m.
- C Consider approval of Claims

Claims Register Report as of 8/6/18

Pay Date: 7/20/18      124595.92  
Com Ctr 21822.85  
EMS 11398.96  
General 14751.41  
Library 7413.48  
Parks and Cemetery 4947.78  
Police 38733.96

Senior 2289.9  
Street 10460.28  
Water and Sewer 12777.3

Pay Date: 8/3/18 124305.98  
Com Ctr 22104.71  
EMS 10483.68  
General 15498.82  
Library 7602.83  
Parks and Cemetery 5348.28  
Police 37383.37  
Senior 2290.88  
Street 10632.28  
Water and Sewer 12961.13

Various

Vendor Name

AMERICAN FAMILY LIFE 566.2  
AMERITAS 29746.13  
AMERITAS LIFE INSURANCE CORP 155.02  
BLUE CROSS BLUE SHIELD 40046.91  
DELTA DENTAL PLAN 2722.6  
EYE MED VISION CARE 397.08  
FRATERNAL ORDER OF POLICE 360  
HARTFORD LIFE INSURANCE COMPANY 235.15  
INTERNAL REVENUE SERVICE 54169.3  
MUTUAL OF OMAHA 788.69  
NEBRASKA CHILD SUPPORT PAYMENT CENTER 392.32  
NEBRASKA DEPARTMENT OF REVENUE 7636.45  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 12920.14  
PLATTSMOUTH COMMUNITY CENTER 2340.94  
PLATTSMOUTH STATE BANK 444.64

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 14.49  
CASS COUNTY TREASURER 8088  
CHARTER BUSINESS 191.74  
FIRE GUARD INC 29.7  
FIRST BANKCARD 291.73  
KATHRYN SHARP 125  
KONICA MINOLTA BUSINESS SOLUTIONS 25.68  
KONICA MINOLTA PREMIER FINANCE 221.16  
MICROFILM IMAGING SYSTEMS 75  
OLMSTED & PERRY ENGINEERING 556.59  
PITNEY BOWES INC 105  
RICHARD MCKINLEY 210.94  
SHELL FLEET PLUS 53.4  
THE COLUMBUS TELEGRAM 611.14  
THE PITNEY BOWES BANK INC 1510  
VERIZON WIRELESS 104.36

WELCH LAW FIRM LLC 6000

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 16.99  
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 39.95  
SHELL FLEET PLUS 83.63  
VERIZON WIRELESS 40.01

Department : 03 - EMS

BLACK HILLS ENERGY 13.19  
BOUND TREE MEDICAL LLC 1642.12  
DISCOVERY BENEFITS INC 16.67  
FIRST BANKCARD 124.47  
FORT DEARBORN LIFE INSURANCE CO 72.24  
KONICA MINOLTA PREMIER FINANCE 35.78  
LARUE DISTRIBUTING INC 41.33  
MATHESON TRI-GAS INC 416.9  
METRO BILLING SERVICES LLP 1008  
SHELL FLEET PLUS 643.14  
STERICYCLE INC 235.6  
VERIZON WIRELESS 224.77  
WALKERS INC 30.76  
WOODHOUSE FORD SOUTH INC 426.37

Department : 04 - POLICE

4IMPRINT INC 444.46  
BOMGAARS SUPPLY 3.98  
CASS COUNTY REGISTER OF DEEDS 80  
CASS COUNTY SHERIFF 3615  
CENTRAL STATE LEEDS INC 450  
DISCOVERY BENEFITS INC 16.67  
EMBLEMS INC 225  
FIRST BANKCARD 98.15  
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 36.95  
HENRY MOTORS 1334.6  
JACKS UNIFORMS & EQUIPMENT 56.99  
KONICA MINOLTA BUSINESS SOLUTIONS 5.81  
KONICA MINOLTA PREMIER FINANCE 154.29  
NEBRASKA DEPT OF MOTOR VEHICLES 6.6  
NICUSA INC 116.7  
RANDY WILKINS 500  
ROBERT JUSTIN YOURICK 200  
SHELL FLEET PLUS 1981.54  
VERIZON WIRELESS 172.21

Department : 05 - STREET

BLACK HILLS ENERGY 40.1  
BOMGAARS SUPPLY 154.99  
FIRE GUARD INC 109.45  
INDUSTRIAL SALES COMPANY 24.31

LYMAN RICHEY CORPORATION 1322.2  
MARK MOREHEAD CONSTRUCTION 1375  
MARTIN MARIETTA AGGREGATES 449.92  
MULLENAX AUTO SUPPLY 409.06  
OLMSTED & PERRY ENGINEERING 1528.52  
ROSE EQUIPMENT INC 705.25  
SHELL FLEET PLUS 606.95  
STANLEY ZYCH 271.8  
THE COLUMBUS TELEGRAM 55.96  
VAN WINKLE CONSTRUCTION SERVICES LLC 52650  
VERIZON WIRELESS 156.54

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 1555.53  
BLACK HILLS ENERGY 15.73  
BOMGAARS SUPPLY 32.99  
CASS COUNTY TREASURER 1348  
CHARTER BUSINESS 65  
FIRST BANKCARD 848.7  
KONICA MINOLTA PREMIER FINANCE 154.29  
STEPHEN C WARGA 36  
WINDSTREAM 157.2

Department : 07 - PARKS

BLACK HILLS ENERGY 14.49  
BOMGAARS SUPPLY 82.47  
CHARTER BUSINESS 36.53  
FERGUSON ENTERPRISES 306.58  
FIRE GUARD INC 14.85  
FIRST BANKCARD 23.21  
G & T SERVICES LLC 85  
MR LANDSCAPE NURSERY 65  
MULLENAX AUTO SUPPLY 97.4  
SHELL FLEET PLUS 318.35  
THE COLUMBUS TELEGRAM 6.32  
VERIZON WIRELESS 52.18

Department : 08 - CEMETERY

BETTS ENTERPRISES INC 100  
FIRE GUARD INC 194.89  
MULLENAX AUTO SUPPLY 18.48  
NEBRASKA PUBLIC POWER DISTRICT 36.33  
PRUITT OUTDOOR POWER 167.84  
SHELL FLEET PLUS 136.44  
VERIZON WIRELESS 54.22  
WINDSTREAM 119.14

Department : 10 - FIRE

BLACK HILLS ENERGY 13.18  
FORT DEARBORN LIFE INSURANCE CO 151.36

KONICA MINOLTA PREMIER FINANCE 35.78  
LARUE DISTRIBUTING INC 41.33  
WALKERS INC 30.74

Department : 11 - SENIOR CITIZEN CTR  
BLACK HILLS ENERGY 9.07  
FIRE GUARD INC 171.2  
HYVEE 209.57  
OFE OIL INC 59  
STRATUS BUILDING SOLUTION OF ARIZONA 219  
WALKERS INC 108.6

Department : 16 - ECONOMIC DEVELOPMENT  
FIRST BANKCARD 249.99  
OLMSTED & PERRY ENGINEERING 526.87  
PLATTSMOUTH CHAMBER OF COMMERCE 1800

Department : 17 - COMMUNITY CENTER  
AQUA CHEM INC 200  
BLACK HILLS ENERGY 81.62  
EGAN SUPPLY CO 1047.25  
ELIZABETH GLUP 61.61  
FIRE GUARD INC 657.75  
FIRST BANKCARD 196.75  
JERRY SLAFTER 310  
KONICA MINOLTA PREMIER FINANCE 186.7  
KS STATEBANK 1048  
LIFEARTS INTEGRATED HEALTH CENTER PC 30  
MECHANICAL SALES INC 891.55  
NEBRASKA AIR FILTER INC 279.54  
OFFICE DEPOT INC 40.94  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
VERIZON WIRELESS 52.18  
WALKERS INC 95.4

Department : 18 - AQUATIC  
AQUA CHEM INC 1486.25  
BLACK HILLS ENERGY 278.71  
CHARTER BUSINESS 42.35  
FIRE GUARD INC 14.85  
FIRST BANKCARD 10.79  
JERRY SLAFTER 560  
OMAHA DOOR & WINDOW COMPANY 374.49  
STATE OF NEBRASKA 30

Department : 20 - WATER  
AMERICAN UNDERGROUND SUPPLY LLC 340  
BAIRD HOLM LLP 4300.3  
BARCO 113.14  
BLACK HILLS ENERGY 30.41

BOMGAARS SUPPLY 270.34  
CASS COUNTY TREASURER 2426.4  
CORE & MAIN LP 852  
DISCOVERY BENEFITS INC 16.66  
DPC INDUSTRIES INC 536  
FIRE GUARD INC 100.1  
FIRST BANKCARD 9.75  
HD SUPPLY FACILITIES MAINTENANCE LTD 49  
LYMAN RICHEY CORPORATION 451.09  
MICEK HEATING AND AIR CONDITIONING LLC 255  
MISSISSIPPI LIME COMPANY 4022.4  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 2219.76  
NEBRASKA DEPT OF HEALTH & HUMAN SERVICES LICENSE 115  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 463  
NEBRASKA PUBLIC POWER DISTRICT 7312.59  
PETTY CASH WATER DEPARTMENT 382.2  
SHELL FLEET PLUS 526.1  
TRANSWOOD LOGISTICS INC 888.23  
TYLER TECHNOLOGIES 90  
VERIZON WIRELESS 83.99  
WATER & SEWER DEPARTMENT 208.21  
WELCH LAW FIRM LLC 2000

Department : 24 - DRUG FORFEITURE  
VERIZON WIRELESS 54.84

Department : 30 - SEWER  
ACTION BATTERIES UNLIMITED INC 39.9  
BARCO 113.15  
BERT GURNEY & ASSOCIATES 4625  
BLACK HILLS ENERGY 206.16  
BOMGAARS SUPPLY 681.48  
CASS COUNTY TREASURER 1617.6  
DPC INDUSTRIES INC 50  
FIRE GUARD INC 54.45  
HD SUPPLY FACILITIES MAINTENANCE LTD 62.95  
INDEPENDENT AUTO REPAIR 118.24  
LAKELAND ENGINEERING EQUIP CO 164.98  
MENARDS 41.2  
NEBRASKA PUBLIC POWER DISTRICT 3621.7  
NORTHWEST ELECTRIC LLC 3235.75  
OLMSTED & PERRY ENGINEERING 952.5  
PLATTSMOUTH STATE BANK 74275  
SHELL FLEET PLUS 254.86  
TYLER TECHNOLOGIES 90  
VERIZON WIRELESS 52.18  
WELCH LAW FIRM LLC 2000

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

## ITEM 8-UNFINISHED BUSINESS

### ITEM 8 A

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed the 2017 Wastewater Treatment Plant Repairs-Project Contract No. 1 – Painting Improvements. Mr. Perry stated Change Order No. 5 – contract extension to July 19, 2018 for final completion as the contractor was not able to perform the final touch up painting until Building Crafts Inc. completed the install of the mechanical components of the clarifiers and he recommends approval of Change Order No. 5. Motion by Grimshaw seconded by Brookhouser to approve 2017 Wastewater Treatment Plant Repairs-Project Contract No. 1 – Painting Improvements Change Order No. 5 – contract extension to July 19, 2018. ROLL CALL: Yes-Kerns, Porter, Wiemer, Derby, Minahan, Grimshaw and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

### ITEM 8 B

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed the timeline of the project: 2017 Wastewater Treatment Plant Repairs-Project Contract No. 1 – Painting Improvements and stated that W.W. Sandblasting has submitted all associated final closeout documents. Mr. Perry recommended approval of Pay Request No. 2 (Final). Motion by Brookhouser seconded by Wiemer to approve 2017 Wastewater Treatment Plant Repairs-Project Contract No. 1 – Painting Improvements Pay Request No. 2 (Final) and authorize the Mayor to execute Pay Request No. 2 (Final). ROLL CALL: Yes-Brookhouser, Derby, Porter, Kerns, Minahan, Grimshaw and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

### ITEM 8 C

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed the 2017 Wastewater Treatment Plant Repairs-Project Contract No. 2-Wastewater Treatment Plant Improvements. Mr. Perry stated Change Order No. 4 reflects additional work required for the project which would justify the need to extend the project completion date to August 3, 2018 and the addition of \$6,291.00 to the total project cost. Mr. Perry recommended approval of Change Order No. 4. Motion by Kerns seconded by Brookhouser to approve 2017 Wastewater Treatment Plant Repairs-Project Contract No. 2-Wastewater Treatment Plant Improvements: Change Order No. 4 and authorize the Mayor to execute Change Order No. 4. ROLL CALL: Yes-Derby, Minahan, Brookhouser, Porter, Kerns, Grimshaw and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

### ITEM 8 D

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. stated Pay Request No. 7- 2017 Wastewater Treatment Plant Repairs-Project Contract No. 2-Wastewater Treatment Plant Improvements in the amount of \$43,200.00 reflects work to install the remaining two clarifier drives which were added by Change Order No. 1 dated November 20, 2017. Mr. Perry recommends approval. Motion by Wiemer seconded by Derby to approve Pay Request No. 7- 2017 Wastewater Treatment Plant Repairs-Project Contract No. 2-Wastewater Treatment Plant Improvements and authorize the Mayor to execute Pay Request No. 7. ROLL CALL: Yes-Grimshaw, Wiemer, Derby, Porter, Kerns, Minahan and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 E

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. stated Pay Request No. 8 (Final) - 2017 Wastewater Treatment Plant Repairs-Project Contract No. 2-Wastewater Treatment Plant Improvements in the amount of \$25,276.40 reflects the final amount due plus the retainage. Mr. Perry recommended approval. Motion by Kerns seconded by Grimshaw to approve Pay Request No. 8 (Final) - 2017 Wastewater Treatment Plant Repairs-Project Contract No. 2-Wastewater Treatment Plant Improvements in the amount of \$25,276.40 and authorize the Mayor to execute Pay Request No. 8 (Final). ROLL CALL: Yes-Wiemer, Minahan, Grimshaw, Brookhouser, Porter, Derby and Kerns. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 F

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he has a conflict of interest. Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed the US Highway 75 Utility Relocations –Wiles Road to Osage Ranch Boulevard Project-consists of installing a new 12-inch diameter water main and the removal of the existing main to accommodate future widening of Highway 75. One bid was received in the amount of \$493,776.00 from Kerns Excavating Co., Inc. Mr. Perry recommended approval of the bid award and contract to Kerns Excavating Co., Inc. for a unit bid price contract award of \$493,776.00. Motion by Porter seconded by Wiemer to approve the bid award and contract for the US Highway 75 Utility Relocations –Wiles Road to Osage Ranch Boulevard to Kerns Excavating Co. Inc. for a unit bid price contract award of \$493,776.00 and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Porter, Brookhouser, Grimshaw, Derby, Minahan and Wiemer. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 8 G

Erv Portis, City Administrator reviewed the Second Amendment to Agreement for Wastewater Services by and between the City of Plattsmouth and Omaha Tank Wash, LLC. Mr. Portis stated that the Agreement reduces the property creating flow into the system and most of the acreage does not produce waste. Motion by Wiemer seconded by Derby to approve the Second Amendment to Agreement for Wastewater Services by and between the City of Plattsmouth and Omaha Tank Wash, LLC and authorize the Mayor to execute the Second Amendment. ROLL CALL: Yes-Brookhouser, Kerns, Grimshaw, Derby, Wiemer, Minahan and Porter. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 H

Motion by Porter seconded by Kerns to approve Change Order No. 1 to the 2018 Concrete Street Patching Agreement by and between the City of Plattsmouth and Whitney VanWinkle DBA Lakeview Construction to increase contract amount by \$16,880.47 for a new contract cost of \$127,123.71 and a new completion date of August 10, 2018 and authorize execution of the Change Order. Following discussion, ROLL CALL: Yes-Wiemer, Minahan, Brookhouser, Porter, Derby, Grimshaw and Kerns. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.



ITEM 8 I

Council member Brookhouser introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1938: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND ARTICLE IV, CHAPTER 4 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES OF 2011, SPECIFICALLY TO REPEAL SECTIONS 4-415 TO 4-422 RELATING TO THE USE OF ALL-TERRAIN VEHICLES IN THE CITY, TO REPLACE THESE REPEALED SECTIONS WITH NEWLY ENACTED SECTIONS 4-415 TO 4-422 RELATING TO THE USE OF ALL-TERRAIN VEHICLES AND UTILITY-TYPE VEHICLES IN THE CITY, TO ENACT SECTIONS 4-433 TO 4-438 RELATING TO THE USE OF GOLF CAR VEHICLES IN THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Brookhouser seconded by Porter to approve Third and Final Reading of ORDINANCE NO. 1938 by title only. ROLL CALL: Yes-Kerns, Brookhouser, Porter and Derby. No-Grimshaw, Minahan and Wiemer. Absent-Riese. Abstain-None. MOTION FAILED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Grimshaw seconded by Minahan to approve a nonexclusive Franchise Agreement by and between the City of Plattsmouth and Spiral Communications, LLC, for the purpose of constructing and operating a Broadband System and providing Broadband Services within the City of Plattsmouth; and authorize the Mayor to execute the Agreement. Following discussion, ROLL CALL: Yes-Porter, Derby, Minahan, Kerns, Grimshaw and Wiemer. No-Brookhouser. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 B

Motion by Kerns seconded by Porter to approve a request from Windstream Communications, LLC to make improvements in the right-of-way, subject to Windstream's compliance with all provisions of Section 6-309 of Plattsmouth Municipal Code, and with authorization limited to that portion of the improvement that will be within the city limits: River Road WO#715082541 OSP-9877 to provide the Department of Navy a 100m Circuit for CenturyLink and authorize execution of Windstream documents pertaining to WO#715082541. ROLL CALL: Yes-Minahan, Grimshaw, Kerns, Brookhouser, Porter, Derby and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Grimshaw seconded by Wiemer to approve a request from Windstream Communications, LLC to make improvements in the right-of-way, subject to Windstream's compliance with all provisions of Section 6-309 of Plattsmouth Municipal Code: D Avenue WO#715082071 OSP-9903 to provide fiber service to the Masonic Home at 1300 Avenue D for upgrading existing circuits and authorize execution of Windstream documents pertaining to WO#715082071. ROLL CALL: Yes-Grimshaw, Wiemer, Derby, Porter, Brookhouser, Minahan and Kerns. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 D

Council member Kerns stated that he would be abstaining from any discussion or action on this item as he has a conflict of interest. Motion by Porter seconded by Grimshaw to approve payment of Invoice No. 14596 submitted by Kerns Excavating Company in the amount of \$400.00 for directional boring at Avenue B and 6<sup>th</sup> Street. ROLL CALL: Yes-Derby, Minahan, Brookhouser, Grimshaw, Wiemer and Porter. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 9 E

Motion by Brookhouser seconded by Grimshaw to approve the appointment of Amelia Guenther and Karla Wiese as new volunteer members to the Plattsmouth Emergency Medical Services Department and the updated Plattsmouth Emergency Medical Services Department Roster. ROLL CALL: Yes-Wiemer, Minahan, Grimshaw, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 12

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

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk