

PLATTSMOUTH CITY COUNCIL

December 3, 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 December 3, 2018 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Wanda Wiemer, Steve Riese, John Porter, Sean Minahan, Terry Kerns, Cheryl Grimshaw and Jeanie Brookhouser. Council Members Absent: Doug Derby. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer 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 November 21, 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 Grimshaw seconded by Brookhouser to approve the consent agenda as presented.

- A Consider approval of the November 19, 2018 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 12/3/18

Pay Date: 11/23/18      119561.97  
Com Ctr 9052.75  
EMS 13020.23  
General 15545.13  
Library 7472.82  
Parks and Cemetery 3549.11  
Police 41692.29  
Senior 2108.59  
Street 14529.86  
Water and Sewer 12591.19

Various

Vendor Name

AMERICAN FAMILY LIFE 542.1  
AMERITAS 15600.71  
AMERITAS LIFE INSURANCE CORP 155.02  
BLUE CROSS BLUE SHIELD 48653.39  
DELTA DENTAL PLAN 2918.38  
EYE MED VISION CARE 371.9  
FRATERNAL ORDER OF POLICE 180  
INTERNAL REVENUE SERVICE 25900.14  
MUTUAL OF OMAHA 721.39  
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16  
NEBRASKA DEPARTMENT OF REVENUE 3856.29  
PLATTSMOUTH STATE BANK 222.32

Department : 01 - GENERAL ADMINISTRATION

AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 177.36  
BAIRD HOLM LLP 180  
CHARTER BUSINESS 62.29  
FIRST BANKCARD 1057.38  
IMPRINTS INC 515  
KONICA MINOLTA BUSINESS SOLUTIONS 21.88  
KONICA MINOLTA PREMIER FINANCE 221.16  
LINCOLN JOURNAL STAR 56  
OFFICE DEPOT INC 20.62  
OLMSTED & PERRY ENGINEERING 593.79  
WASTE CONNECTIONS OF NEBRASKA INC 11908.85  
WELCH LAW FIRM LLC 6000

Department : 03 - EMS

BLACK HILLS ENERGY 67.39  
BOUND TREE MEDICAL LLC 1265.16  
FIRST BANKCARD 346.8  
FORT DEARBORN LIFE INSURANCE CO 103.2  
IDEAL PURE WATER 22.5  
KONICA MINOLTA PREMIER FINANCE 35.78  
RICH WEST INC 246.39  
STERICYCLE INC 247.22  
WALKERS INC 15.38

Department : 04 - POLICE

DIGITAL ALLY INC 60  
FIRST BANKCARD 38.98  
GLOCK PROFESSIONAL 250  
GREGG YOUNG CHEVROLET OF PLATTSMOUTH 2133.03  
KONICA MINOLTA BUSINESS SOLUTIONS 10.34  
KONICA MINOLTA PREMIER FINANCE 154.29  
PLATTCO REAL ESTATE & INS INC 80

Department : 05 - STREET  
AGRIVISION EQUIPMENT GROUP LLC 93.29  
BOMGAARS SUPPLY 1218.64  
FIRST BANKCARD 177.98  
LIFEARTS INTEGRATED HEALTH CENTER PC 80  
LYMAN RICHEY CORPORATION 371.08  
OFFICE DEPOT INC 29.99  
OLMSTED & PERRY ENGINEERING 1175  
PAVERS INC 2176.59  
STEPHEN C WARGA 78

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 993.54  
CHARTER BUSINESS 65  
CIACCIO ROOFING 230.83  
DONNA L TROUT 150  
FIRST BANKCARD 1377.33  
KONICA MINOLTA PREMIER FINANCE 154.29  
LINDA GUYNN 135  
STACY EWING 8.99  
STEPHEN C WARGA 36

Department : 07 - PARKS  
BOMGAARS SUPPLY 225.2  
ECHO GROUP INC 18.41  
FIRST BANKCARD 300

Department : 08 - CEMETERY  
BOMGAARS SUPPLY 91.88  
ECHO GROUP INC 606.88  
FIRST BANKCARD 42.38  
JUSTIN A MARSH 167.6  
NEBRASKA PUBLIC POWER DISTRICT 35.05  
OFFICE DEPOT INC 14.79

Department : 10 - FIRE  
BLACK HILLS ENERGY 67.4  
FIRST BANKCARD 784.97  
FORT DEARBORN LIFE INSURANCE CO 151.36  
IDEAL PURE WATER 22.5  
KONICA MINOLTA PREMIER FINANCE 35.78  
MULLENAX AUTO SUPPLY 138.88  
NEBRASKA IOWA SUPPLY CO INC 1476.37  
RICH WEST INC 246.39  
WALKERS INC 15.37

Department : 11 - SENIOR CITIZEN CTR  
HYVEE 316.09

STRATUS BUILDING SOLUTION OF ARIZONA 219  
WALKERS INC 147.9

Department : 12 - DEBT SERVICE  
PLATTSMOUTH STATE BANK 108086.25

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 285

Department : 17 - COMMUNITY CENTER  
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 88.68  
BOMGAARS SUPPLY 12.97  
FIRST BANKCARD 91.61  
HILLER ELECTRIC COMPANY 160  
KONICA MINOLTA PREMIER FINANCE 186.7  
KS STATEBANK 1048  
RIVER VALLEY MEMORIALS 85  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
THE WALDINGER CORPORATION 668.51  
WALKERS INC 63.6

Department : 18 - AQUATIC  
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 88.67

Department : 20 - WATER  
BOMGAARS SUPPLY 465.46  
DPC INDUSTRIES INC 1720.97  
FIRST BANKCARD 142  
LYMAN RICHEY CORPORATION 188.43  
MUNICIPAL SUPPLY INC 156  
NE DEPT OF HEALTH & HUMAN SERVICES PERMITS 423.41  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 23806.43  
NEBRASKA PUBLIC POWER DISTRICT 4869.13  
OFFICE DEPOT INC 85.03  
OLMSTED & PERRY ENGINEERING 15799.7  
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 26.37  
TYLER TECHNOLOGIES 90  
WELCH LAW FIRM LLC 2000

Department : 30 - SEWER  
FIRST BANKCARD 142  
INLAND TRUCK PARTS COMPANY 430.49  
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 269372.56  
NEBRASKA PUBLIC POWER DISTRICT 2758.9  
OFFICE DEPOT INC 63.55  
OLMSTED & PERRY ENGINEERING 2430.6  
STATE OF NEBRASKA 30  
TYLER TECHNOLOGIES 90

WELCH LAW FIRM LLC 2000  
BOMGAARS SUPPLY 693.81

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

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 Change Order No.2 submitted by Kerns Excavating Inc. for the Highway 75 Utility Relocations for an increase of (+) \$14,151.50 to the contract price and extend contract substantial completion date to April 1, 2019. The \$14,151.50 increase was due to the addition of 120 foot of 6 inch main, trench stabilization and the addition of retainer glands. The extension of the contract completion date to April 1, 2019 was due to weather. Mr. Perry recommended approval. Motion by Riese seconded by Minahan to approve Change Order No.2 submitted by Kerns Excavating Inc. for the Highway 75 Utility Relocations for an increase of (+) \$14,151.50 to the contract price and extend contract substantial completion date to April 1, 2019 and authorize the Mayor to execute Change Order No.2. ROLL CALL: Yes-Brookhouser, Wiemer, Minahan, Porter, Grimshaw and Riese. No-None. Absent-Derby. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Motion by Porter seconded by Grimshaw to authorize the City Administrator to approve and issue payment per the terms of the CDBG 14-DTR-101 Loan Agreement by and between the City of Plattsmouth and Shaw Smart Properties, LLC. Following discussion, ROLL CALL: Yes-Riese, Porter, Grimshaw, Brookhouser, Kerns, Wiemer and Minahan. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council member Grimshaw introduced a resolution numbered and titled as follows: **RESOLUTION NO. 18-011: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA EXPRESSING THEIR APPRECIATION TO OUTGOING CITY COUNCIL MEMBER JOHN “BLACKIE” PORTER FOR HIS THIRTY FOUR YEARS OF ELECTIVE SERVICE TO THE CITIZENS OF PLATTSMOUTH.**

Motion by Grimshaw seconded by Brookhouser to adopt RESOLUTION NO. 18-011:

**RESOLUTION NO. 18-011**  
**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA EXPRESSING THEIR APPRECIATION TO OUTGOING CITY COUNCIL MEMBER JOHN “BLACKIE” PORTER FOR HIS THIRTY FOUR YEARS OF ELECTIVE SERVICE TO THE CITIZENS OF PLATTSMOUTH.**

**WHEREAS**, Public officers stand in a fiduciary relation to the people whom they have been elected or appointed to serve:

**WHEREAS**, John “Blackie” Porter was elected to City Council and served from 1980 through 1994;

**WHEREAS**, Mr. Porter was elected again in 1998 and has since been reelected to serve four consecutive terms;

**WHEREAS**, City Councilmember Porter, in concert with his City Council peers, has faithfully executed his fiduciary duties on behalf of Plattsmouth’s citizens;

**WHEREAS**, Mr. Porter has chosen to *adjourn* his elective service to the citizens of Plattsmouth;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of Plattsmouth, Nebraska that City Councilmember John “Blackie” Porter is thanked for his thirty-four years of highly regarded service to Plattsmouth.

**PASSED AND APPROVED THIS 3<sup>RD</sup> day of December, 2018.**

\_\_\_\_\_  
R. Paul Lambert, Mayor

ATTEST:

\_\_\_\_\_  
Sandra J. Meyer, City Clerk

\_\_\_\_\_  
Jeanie Brookhouser, Council President

\_\_\_\_\_  
Stephen Riese                      Ward 1

\_\_\_\_\_  
Sean Minahan                      Ward 1

\_\_\_\_\_  
Cheryl Grimshaw                      Ward 2

\_\_\_\_\_  
Wanda Wiemer                      Ward 3

\_\_\_\_\_  
Doug Derby                      Ward 3

\_\_\_\_\_  
Terry Kerns                      Ward 4

ROLL CALL: Yes-Brookhouser, Grimshaw, Kerns, Minahan, Porter, Riese and Wiemer. No-None. Absent-Derby. Abstain-None. **MOTION CARRIED.** Erv Portis, City Administrator read **RESOLUTION NO. 18-011** in to the record. Council Member Porter was commended for his 34 years of service to the citizens of Plattsmouth.

**ITEM 8 D**

The Mayor stated that no public hearing was scheduled or required for this agenda item (Discussion regarding Highway 75 Murray to Plattsmouth Project) but invited Steve Willey to open the discussion by presenting his position. Steve Willey, President of Westside Development read a letter on behalf of himself and his partner Merle Pieper. Erv Portis, City Administrator reviewed a time line of the Highway 75 Murray to Plattsmouth Project and highlighted the city’s involvement with this project from 1989 to current. Motion by Kerns seconded by Wiemer to form a committee of three (3) council members for 60 to 90 days to review and then report back to the Mayor and Council with recommendations. Following discussion, **ROLL CALL:** Yes-Wiemer, Brookhouser, Riese and Kerns. No-Grimshaw, Porter and Minahan. Absent-Derby. Abstain-None. **MOTION FAILED.** Mayor Lambert announced the motion failed. Council member Kerns asked why: A majority vote of the

elected governing body is required. Kerns asked the Mayor to vote. Mayor Lambert voted No. MOTION FAILED.

#### ITEM 9

7:51 p.m. Motion by Porter seconded by Brookhouser to adjourn. MOTION CARRIED on a voice vote.

7:55 p.m. Mayor Lambert called the meeting to order.

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Sandra J. Meyer, City Clerk reported the 2018 General Election results as certified to her by the Cass County Election Commissioner: Mayor: R. Paul Lambert-1483 Votes; City Council Ward 1: Sean Minahan-358 Votes; City Council Ward 2: Jeanie Brookhouser-378 Votes; City Council Ward 3: Douglas Derby, Sr.-206 Votes and James Forrest-172 Votes; City Council Ward 4: Morgan Muller-203 Votes and David Splonskowski-120 Votes.

Erv Portis, City Administrator administered the OATH OF OFFICE to the following newly elected/reelected individuals: R. Paul Lambert-Mayor; Sean Minahan-City Council Ward 1; Jeanie Brookhouser-City Council Ward 2; Morgan Muller-City Council Ward 4. (Douglas Derby Sr. was absent).

Present were Mayor R. Paul Lambert and Council Members: Wanda Wiemer, Steve Riese, Morgan Muller, Sean Minahan, Terry Kerns, Cheryl Grimshaw and Jeanie Brookhouser. Council Members Absent: Doug Derby. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Stephen Q. Preston.

#### ITEM 7-CONSENT AGENDA

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

- A Consider recommendation of approval of a Special Designated License filed by Holy Spirit Catholic Church, 520 South 18<sup>th</sup> Street for a fundraiser being held at St. John the Baptist Elementary School Gymnasium, 520 S. 18<sup>th</sup> St., Plattsmouth on March 6, 2019 at 5:00 p.m. to 9:00 p.m.
- B Consider recommendation of approval of a Special Designated License filed by Holy Spirit Catholic Church, 520 South 18<sup>th</sup> Street for a fundraiser being held at St. John the

Baptist Elementary School Gymnasium, 520 S. 18<sup>th</sup> St., Plattsmouth on March 15, 2019 from 5:00 p.m. to 9:00 p.m.

- C Consider recommendation of approval of a Special Designated License filed by Holy Spirit Catholic Church, 520 South 18<sup>th</sup> Street for a fundraiser being held at St. John the Baptist Elementary School Gymnasium, 520 S. 18<sup>th</sup> St., Plattsmouth on March 22, 2019 from 5:00 p.m. to 9:00 p.m.
- D Consider recommendation of approval of a Special Designated License filed by Holy Spirit Catholic Church, 520 South 18<sup>th</sup> Street for a fundraiser being held at St. John the Baptist Elementary School Gymnasium, 520 S. 18<sup>th</sup> St., Plattsmouth on March 29, 2019 from 5:00 p.m. to 9:00 p.m.
- E Consider recommendation of approval of a Special Designated License filed by Holy Spirit Catholic Church, 520 South 18<sup>th</sup> Street for a fundraiser being held at St. John the Baptist Elementary School Gymnasium, 520 S. 18<sup>th</sup> St., Plattsmouth on April 5, 2019 from 5:00 p.m. to 9:00 p.m.
- F Consider recommendation of approval of a Special Designated License filed by Holy Spirit Catholic Church, 520 South 18<sup>th</sup> Street for a fundraiser being held at St. John the Baptist Elementary School Gymnasium, 520 S. 18<sup>th</sup> St., Plattsmouth on April 12, 2019 from 5:00 p.m. to 9:00 p.m.

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

#### ITEM 8 – NEW BUSINESS

##### ITEM 8 A

Pursuant to publication, Mayor Lambert opened a public hearing at 8:03 p.m. to hear and consider public comments regarding a request by Norris Franzen for a preliminary and final plat of a major subdivision of Copper Corral Estates, located southwest of the intersection of Highway 66 and Highway 75, legally described as Lot “A” and Lots 1 thru 19, inclusive, located in the NE ¼ of the NE ¼ Section 23, Township 12 North, Range 13 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Norris Franzen, resident of Copper Corral reviewed the proposed changes on the preliminary and final plats of a major subdivision of Copper Corral Estates. No one else spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 8:06 p.m.

##### ITEM 8 B

Motion by Kerns seconded by Grimshaw to waive certain sections of the Subdivision Ordinance in connection with the request by Norris Franzen for approval of Preliminary Plat and Final Plat of a Major Subdivision of Copper Corral Estates. ROLL CALL: Yes-Riese, Brookhouser, Wiemer, Minahan, Muller, Grimshaw and Kerns. No-None. Absent-Derby. Abstain-none. MOTION CARRIED.



Motion by Muller seconded by Brookhouser, subject to the waiver of such sections of the Subdivision Ordinance, approve the Preliminary Plat and the Final Plat of a Major Subdivision of Copper Corral Estates. ROLL CALL: Yes-Kerns, Grimshaw, Brookhouser, Minahan, Muller, Riese and Wiemer. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Grimshaw seconded by Brookhouser to approve the Mayor's nomination of the following appointed officials:

Ervin Portis	City Administrator
Welch Law Firm	City Attorney
Sandra J. Meyer	City Clerk
Roger Davis	City Treasurer
Steve Perry	City Engineer
Kevin Larson	City Inspector/Zoning Administrator
Mike Wilson	Fire Chief
Mike Wood	Emergency Medical Services Director
Karen Mier	Library Director
Michael Lennen	Recreation Director

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

Mike Wilson, Plattsmouth Volunteer Fire Chief gave a report to the Mayor and Council: 18 fire calls in November 2018 (13 city/5 rural); ISO Rating (1 to 10) for the City of Plattsmouth is 5 (the rating is 10 if you live more than 5 miles away from the station); Fire District Boundaries: N-Platte River; E-Missouri River; S-just South of Mynard Road; and W-84<sup>th</sup> Street.

ITEM 11

8:35 p.m. Motion by Kerns seconded by Brookhouser to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk