

PLATTSMOUTH CITY COUNCIL

September 3, 2019

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 September 3, 2019 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Wanda Wiemer, Morgan Muller, Sean Minahan, Terry Kerns, Cheryl Grimshaw, Doug Derby and Jeanie Brookhouser. Council Members Absent: Steve Riese. Also present: City Administrator Ervin Portis, City Inspector Kevin Larson and City Attorney Damien Wright.

This is a regular meeting of the Mayor and City Council of Plattsmouth. Notice of meeting was published on August 22, 2019 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.

Mayor Lambert announced the termination of the City of Plattsmouth Water Emergency and informed everyone that all people involved will continue working towards pre-flood condition at the Water Treatment Plant.

ITEM 7-CONSENT AGENDA

Motion by Grimshaw seconded by Wiemer to approve the consent agenda as presented:

- A Consider approval of the August 19, 2019 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 9/3/19

Pay Date: 8/30/19      117624.88  
Com Ctr 8235.15  
EMS 12041.66  
General 17002.63  
Library 7919.98

Parks and Cemetery 6194.68  
Police 39067.69  
Senior Center 2299.36  
Street 8370.9  
Water and Sewer 16492.83

Various

Vendor Name

AMERICAN FAMILY LIFE 651.95  
AMERITAS 14825.49  
AMERITAS LIFE INSURANCE CORP 155.02  
BLUE CROSS BLUE SHIELD 50006.51  
DELTA DENTAL PLAN 3045.48  
INTERNAL REVENUE SERVICE 25648.15  
MUTUAL OF OMAHA 769.22  
NEBRASKA CHILD SUPPORT PAYMENT CENTER 196.16  
NEBRASKA DEPARTMENT OF REVENUE 3858.2  
PLATTSMOUTH COMMUNITY CENTER 21.4  
PLATTSMOUTH STATE BANK 136.16

Department : 01 - GENERAL ADMINISTRATION

CHARTER BUSINESS 130  
FIRST BANKCARD 43.23  
KONICA MINOLTA BUSINESS SOLUTIONS 24.94  
KONICA MINOLTA PREMIER FINANCE 221.16  
OFFICE DEPOT INC 188.31  
OLMSTED & PERRY ENGINEERING 393.75  
THE PITNEY BOWES BANK INC 73.77  
WELCH LAW FIRM LLC 6000  
WH PLATTSMOUTH LLC 26793.23

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 50.96  
NEBRASKA DEPT OF AGRICULTURE 175  
OFFICE DEPOT INC 964.04

Department : 03 - EMS

BOUND TREE MEDICAL LLC 806.46  
FIRST BANKCARD 238.71  
FORT DEARBORN LIFE INSURANCE CO 68.8  
KONICA MINOLTA PREMIER FINANCE 35.78  
MATHESON TRI-GAS INC 65.86  
REBECCA L GRAF 65  
STERICYCLE INC 247.22  
WALKERS INC 16.38

Department : 04 - POLICE

ARROWHEAD SCIENTIFIC INC 38.15

BRIDGESTONE AMERICAS INC 610.28  
DIGITAL ALLY INC 640  
FIRST BANKCARD 388.88  
JUSTICE DATA SOLUTIONS INC 125  
KONICA MINOLTA BUSINESS SOLUTIONS 10.73  
KONICA MINOLTA PREMIER FINANCE 154.29  
L SCOT UPTAIN 100  
MICHAEL W MCINTIRE 175  
STERICYCLE INC 300

Department : 05 - STREET  
AARON JAMES MEYER 21384.76  
BOMGAARS SUPPLY 135.6  
RHYLANDER WELDING & MFG INC 355

Department : 06 - LIBRARY  
BAKER & TAYLOR BOOKS 1509.54  
COMPUTER CABLE CONNECTION 369  
DEMCO 166.35  
FIRST BANKCARD 1789.98  
KIRSTEN WOOD 110.5  
KONICA MINOLTA PREMIER FINANCE 154.29  
LIBRARY IDEAS LLC 862.84  
RECORD AUTOMATIC DOORS INC 315.83  
STACY EWING 52.95  
USI EDUCATION AND GOVERNMENT SALES 68.09

Department : 07 - PARKS  
CHARTER BUSINESS 36.48  
HILLER ELECTRIC COMPANY 200  
OUTDOOR HOME SERVICES HOLDING CO 297.25  
STEPHEN C WARGA 36

Department : 08 - CEMETERY  
BOMGAARS SUPPLY 291.35  
MENARDS 69.98  
NEBRASKA PUBLIC POWER DISTRICT 36.6  
OUTDOOR HOME SERVICES HOLDING CO 326.25

Department : 10 - FIRE  
FORT DEARBORN LIFE INSURANCE CO 158.24  
GRANNETTE INC 1200  
KONICA MINOLTA PREMIER FINANCE 35.78  
NEBRASKA IOWA SUPPLY CO INC 1119.6  
NEBRASKA STATE FIRE MARSHALL 250  
SAM A DMAVRO 83  
WALKERS INC 16.37

Department : 11 - SENIOR CITIZEN CTR  
CHARTER BUSINESS 145.81  
HYVEE 255.05  
STRATUS BUILDING SOLUTION OF ARIZONA 219

Department : 12 - DEBT SERVICE  
PLATTSMOUTH STATE BANK 202540

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 907.5  
PLATTSMOUTH STATE BANK 25

Department : 17 - COMMUNITY CENTER  
BOMGAARS SUPPLY 10.49  
CHARTER BUSINESS 437.42  
FIRST BANKCARD 76.55  
KONICA MINOLTA PREMIER FINANCE 186.7  
PLATTSMOUTH CHAMBER OF COMMERCE 100  
STEPHEN C WARGA 27  
STRATUS BUILDING SOLUTION OF ARIZONA 1870  
WALKERS INC 80

Department : 18 - AQUATIC  
CHARTER BUSINESS 38

Department : 20 - WATER  
AARON JAMES MEYER 1725  
BOMGAARS SUPPLY 876.43  
CORE & MAIN LP 6324.83  
DPC INDUSTRIES INC 360  
LYMAN RICHEY SAND & GRAVEL CO 2626.38  
MENARDS 197.73  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 604  
NEBRASKA PUBLIC POWER DISTRICT 1641.02  
OLMSTED & PERRY ENGINEERING 19731.57  
READY MIX CONCRETE CO 1177.22  
SAVAGE PLUMBING INC 3352  
SCHMIDT TRANSPORTATION 5451.45  
WATER & SEWER DEPARTMENT 504.15  
WELCH LAW FIRM LLC 2000  
WESTECH ENGINEERING INC 50496

Department : 30 - SEWER  
BAIRD HOLM LLP 2000  
BOMGAARS SUPPLY 525.09  
BRINK ENTERPRISES INC 189  
NEBRASKA MACHINERY CO 223.74  
NEBRASKA PUBLIC POWER DISTRICT 1390.23

OLMSTED & PERRY ENGINEERING 32184.9  
WELCH LAW FIRM LLC 2000

Department : 40 - PLATTSMOUTH KENO  
ADVANCED GAMING TECHNOLOGIES INC 290.1

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

#### ITEM 8-UNFINISHED BUSINESS

##### ITEM 8 A

Steve Perry, PE, Olmsted & Perry Consulting Engineer Inc. gave an update on the work at the Water Treatment Plant. Erv Portis stated they are hoping to have the plant to pre-flood condition before winter.

Motion by Kerns seconded by Brookhouser to approve Contractor's Application for Payment No.2 submitted by Judds Bros Construction Inc. the 2019 Flood Recovery Project Water Treatment Plant Clearwells and Backwash Tank Cleaning (PW#88690) in the amount of \$48,690.00 and authorize the Mayor to execute Pay Application No.2. ROLL CALL: Yes-Derby, Kerns, Grimshaw, Minahan, Muller, Wiemer and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

##### ITEM 8 B

Steve Perry, PE, Olmsted & Perry Consulting Engineer Inc. reviewed Contractor's Application for Payment No.2 submitted by Judds Bros Construction Inc. for the Water Treatment Plant Filter Media Replacement Project in the amount of \$64,800.00. Motion by Muller seconded by Derby to approve Contractor's Application for Payment No.2 submitted by Judds Bros Construction Inc. for the Water Treatment Plant Filter Media Replacement Project in the amount of \$64,800.00 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Grimshaw, Brookhouser, Kerns, Derby, Muller, Minahan and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

##### ITEM 8 C

Steve Perry, PE, Olmsted & Perry Consulting Engineer Inc. reviewed Contractor's Application for Payment No.2 submitted by Omaha Electric Service Inc. 2019 Flood Recovery Project – Restore Electrical Service to the Water Treatment Plant (PW#88690) in the amount of \$ 43,065.00. Motion by Brookhouser seconded by Wiemer to approve Contractor's Application for Payment No.2 submitted by Omaha Electric Service Inc. 2019 Flood Recovery Project – Restore Electrical Service to the Water Treatment Plant (PW#88690) in the amount of \$ 43,065.00 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Minahan, Muller, Wiemer, Brookhouser, Derby, Grimshaw and Kerns. No-none. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 D

Erv Portis, City Administrator stated that due to the public using the Recycle Trailer at the end of East Main Street as a dumping site for furniture and other trash and City resources (man hours, equipment, etc.) being used to clean up the mess there has been consideration of terminating the May 2013 Interlocal Cooperation Agreement by and between the City of Plattsmouth and Cass County through which the City gives financial support for a recycling trailer, with said termination to take effect 90 days from date of notice. Council member Kerns suggested finding a new location so eyes could be one the trailer, otherwise we are going backwards. Council member Muller agreed and felt that the actions of irresponsible people hurt the responsible ones. Motion by Brookhouser seconded by Grimshaw to table providing the Cass County Board of Commissioners notice of termination of the May 2013 Interlocal Cooperation Agreement by and between the City of Plattsmouth and Cass County through which the City gives financial support for a recycling trailer, with said termination to take effect on December 3, 2019 until options have been considered. ROLL CALL: Yes-Brookhouser, Derby, Kerns, Grimshaw, Muller, Minahan and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Erv Portis, City Administrator reviewed the City of Plattsmouth proposed budget for FY 2019-2020 and high-lighted some of the proposed changes.

ITEM 9 B

Pursuant to publication Mayor Lambert opened a public hearing at 7:42 p.m. to hear and consider public comment regarding proposed City of Plattsmouth Fiscal Year October 1, 2019 through September 30, 2020 budget. No one spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:43 p.m.

ITEM 9 C

Pursuant to publication Mayor Lambert opened a public hearing at 7:43 p.m. to hear and receive public comment regarding setting of the final tax request at a different amount for Fiscal Year October 1, 2019 through September 30, 2020 than the prior year tax request. No one spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:45 p.m.

ITEM 9 D

Council member Wiemer introduced an Ordinance numbered a titled as follows: **ORDINANCE NO. 1961: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH FEES FOR CITY SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE**

**DATE.** Motion by Wiemer seconded by Grimshaw to approve first reading of Ordinance No. 1961 by title only. ROLL CALL: Yes-Kerns, Muller, Minahan, Brookhouser, Grimshaw, Wiemer and Derby. No-None. Absent-Riese. Abstain-None. MOTION CARRIED, Erv Portis, City Administrator read Ordinance No. 1961 in to the record by title only.

ITEM 9 E

Council member Muller introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1962: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2019; TO REPEAL ORDINANCE NO. 1958 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Muller seconded by Brookhouser to approve first reading of Ordinance No. 1962 by title only. ROLL CALL: Yes-Wiemer, Minahan, Grimshaw, Muller, Brookhouser, Derby and Kerns. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read Ordinance No. 1962 in to the record by title only.

ITEM 9 F

Council member Brookhouser introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1964: AN ORDINANCE TO VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY ALONG 4<sup>th</sup> AVENUE NEAR S. 15<sup>th</sup> STREET IN THE HIGHLAND ADDITION, PLATTSMOUTH, CASS COUNTY, NEBRASKA; TO RESERVE A UTILITY EASEMENT OVER A PORTION OF THE RIGHT-OF-WAY VACATED HEREBY; TO PROVIDE FOR OWNERSHIP OF THE SAME TO REVERT TO THE ADJACENT PROPERTY OWNER; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Brookhouser seconded by Derby that the statutory rule requiring reading an ordinance on three different days be suspended and that ORDINANCE NO. 1964 be adopted on first reading by title only. ROLL CALL: Yes-Muller, Wiemer, Kerns, Minahan, Derby, Grimshaw and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1964 in to the record by title only. Motion by Grimshaw seconded by Wiemer to approve final passage of ORDINANCE NO. 1964 by title only. ROLL CALL: Yes-Brookhouser, Grimshaw, Krens, Muller, Wiemer, Minahan and Derby. No-None. Absent-Riesed. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1964 in to the record by title only.

ITEM 9 G

Motion by Brookhouser seconded by Grimshaw to approve a Street Closing/Event Permit Application submitted by Plattsmouth Volunteer Firefighters Association (PVFFA) for the Plattsmouth Volunteer Fire Department Annual Spaghetti Feed on Thursday, October 10, 2019

North 5<sup>th</sup> Street from Avenue A – ½ block south to the east west alley from 1:00 p.m. to 10:00 p.m. ROLL CALL: Yes-Minahan, Muller, Brookhouser, Derby, Kerns, Grimshaw and Wiemer. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Grimshaw seconded by Wiemer to approved a Sidewalk Café Permit Application submitted by Fork and Hammer, LLC for Fork and Hammer/Sweet Spot, 542 Main Street, Plattsmouth Nebraska. ROLL CALL: Yes-Wiemer, Muller, Kerns, Minahan, Grimshaw, Brookhouser and Derby. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 I

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 Brookhouser seconded by Derby to approve Invoice No. 15305 submitted by Kerns Excavating Co. in the amount of \$20,981.80 for Emergency Repair Work 8/6-23, 2019: 202 S. 6<sup>th</sup> St-\$3,634.70; 1516 Main St-\$3,116.55; 9<sup>th</sup> & 2<sup>nd</sup> Ave-\$886.50; 623 Ave B-\$405.00; 13<sup>th</sup> St & Ave C-\$718.00; 13<sup>th</sup> St & Ave B-\$472.50; 1602 Ave D-\$549.75; N 4<sup>th</sup> & Ave C-\$561.30; 1301 2<sup>nd</sup> Ave-\$652.50; 202 S 6<sup>th</sup> St-\$1,305.00; N 4<sup>th</sup> & Ave C-\$567.00; 802 Ave C-\$472.50; 312 S 9<sup>th</sup> St-\$661.50; 816 N 11<sup>th</sup> St-\$1,039.50; 221 N 14<sup>th</sup> St-\$2,376.00; 1<sup>st</sup> Ave & S 11<sup>th</sup> St-\$756.00; N 3<sup>rd</sup> St near Law Enforcement Center-\$472.50; and 2<sup>nd</sup> Crew at 22<sup>nd</sup> St \$ Ave C-\$2,335.00 and authorize payment. ROLL CALL: Yes-Grimshaw, Derby, Brookhouser, Minahan, Muller and Wiemer. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 9 J

Motion by Grimshaw seconded by Brookhouser to approve the appointment of the following proposed new members to the Plattsmouth Volunteer Fire Department: Megan Bauer and Andrew LeBeau, and the addition of their names to the Plattsmouth Volunteer Fire Department Roster (51 members). ROLL CALL: Yes-Muller, Wiemer, Brookhouser, Derby, Minahan, Kerns and Grimshaw. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 12

8:10 p.m. Motion by Brookhouser seconded by Grimshaw to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk