

PLATTSMOUTH CITY COUNCIL

December 6, 2021

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 6, 2021 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Sean Minahan, Morgan Muller, Steve Riese, Terry Kerns, Bryan Clark, James Forrest, Doug Derby and Jeanie Brookhouser. Council Members Absent: None. Also present: City Administrator Emily Bausch, 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 25, 2021 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 Forrest to approve the consent agenda as presented:

- A Consider approval of the November 15, 2021 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 12/6/21

Pay Date: 11/19/21	138491.02
Com Ctr 5165.6	
EMS 24424.64	
General 16919.46	
Library 8532.81	
Parks and Cemetery 5357.62	
Police 47093.72	
Senior Center 2871.09	
Street 16547.66	
Water and Sewer 11578.42	

Pay Date: 12/1/20 Longevity 34080
Com Ctr 1260
EMS 1020
General 5040
Library 3120
Parks and Cemetery 1320
Police 13440
Senior Center 900
Street 5700
Water and Sewer 2280

Pay Date: 12/3/21 146431.97
Com Ctr 5080.29
EMS 26465.52
General 22809.57
Library 8710.62
Parks and Cemetery 6030.93
Police 51452.06
Senior Center 2629.6
Street 12780.76
Water and Sewer 10472.62

Various

Vendor Name

AMERICAN FAMILY LIFE 675.58
AMERITAS 32543.47
AMERITAS LIFE INSURANCE CORP 148.12
BLUE CROSS BLUE SHIELD 102734.76
COLLECTION SERVICES CENTER 382.8
COUNTY COURT OF LANCASTER COUNTY NE 51.2
DELTA DENTAL PLAN 2851.95
FIRST STATE BANK NEBRASKA 100
FRATERNAL ORDER OF POLICE 390
GREENE COUNTY CLERK OF COURT 100
INTERNAL REVENUE SERVICE 71857.8
MUTUAL OF OMAHA 3290.1
NEBRASKA CHILD SUPPORT PAYMENT CENTER 230.78
NEBRASKA DEPARTMENT OF REVENUE 11334.28
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 7387.71
PLATTSMOUTH COMMUNITY CENTER 2481.1

Department : 01 - GENERAL ADMINISTRATION

ACCELERATED GRAPHX LLC 225
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 185.41
BLACK HILLS ENERGY 490.69
CHARTER BUSINESS 130
DAN KOEHLER 46
DANA F COLE & COMPANY LLC 550

EGAN SUPPLY CO 176.84
FIRST BANKCARD 878.63
HEROES MANAGMENT SERVICES LLC 6259
KATHRYN SHARP 125
KONICA MINOLTA PREMIER FINANCE 221.16
LEE ENTERPRISES 344.42
OFFICE DEPOT INC 195.05
PITNEY BOWES INC 628.62
VERIZON WIRELESS 82.04
WALKERS INC 71.6
WASTE CONNECTIONS OF NEBRASKA INC 560

Department : 02 - HUMANE/CODE ENFORCEMENT
VERIZON WIRELESS 40.01

Department : 03 - EMS
BARBARA J HAMILTON 110.23
BLACK HILLS ENERGY 69.57
BOUND TREE MEDICAL LLC 1314.87
CHARTER BUSINESS 18.2
DEPARTMENT OF VETERANS AFFAIRS 1939.87
FIRST BANKCARD 316.53
FORT DEARBORN LIFE INSURANCE CO 75.68
KONICA MINOLTA PREMIER FINANCE 35.78
MATHESON TRI-GAS INC 89.22
METRO BILLING SERVICES LLP 920
OVERHEAD DOOR COMPANY OF OMAHA 824
REBECCA L GRAF 30
ROLLINS INC 28
ROY D EDMONDS 98.45
STERICYCLE INC 93.45
STRYKER SALES CORPORATION 198.64
VERIZON WIRELESS 167.75
WALKERS INC 34.76

Department : 04 - POLICE
4IMPRINT INC 270.23
ACCELERATED GRAPHX LLC 239.5
BOMGAARS SUPPLY 12.49
BSTS LLC 169
CASS COUNTY SHERIFF 3615
FBI NATIONAL ACADEMY ASSOCIATES INC 300
H & H SALES INC 697.13
JACKS UNIFORMS & EQUIPMENT 564.11
KONICA MINOLTA PREMIER FINANCE 154.29
OFFICE DEPOT INC 13.69
POLICE OFFICERS ASSOCIATION OF NE 190.12
VERIZON WIRELESS 281.1

Department : 05 - STREET
AARON JAMES MEYER 3695.31
BLACK HILLS ENERGY 218.53
BOMGAARS SUPPLY 1016.65
CHARLES S SCHREIBER 1305.38
FIRST STATE BANK 93590.25
LOGAN CONTRACTORS SUPPLY CO 50669.9
MATHESON TRI-GAS INC 134.58
MENARDS 105.4
NSG LOGISTICS LLC 5455.49
OLMSTED & PERRY ENGINEERING 8250
PRUITT OUTDOOR POWER 700.32
VERIZON WIRELESS 82.04
WESTOVER ROCK & SAND INC 5589.09

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 1863.79
BLACK HILLS ENERGY 107.86
DONNA L TROUT 150
FIRST BANKCARD 883.54
KONICA MINOLTA PREMIER FINANCE 154.29
RUTH A MERWAID 100

Department : 07 - PARKS
BLACK HILLS ENERGY 78.03
BOMGAARS SUPPLY 118.74
CHARTER BUSINESS 39.92
OREILLY AUTOMOTIVE INC 23.63
PRUITT OUTDOOR POWER 8199.43
VERIZON WIRELESS 41.02
WALKERS INC 14.1

Department : 08 - CEMETERY
BLACK HILLS ENERGY 70
BOMGAARS SUPPLY 4.29
FIRST BANKCARD 10
NEBRASKA IOWA SUPPLY CO INC 1609.31
NEBRASKA PUBLIC POWER DISTRICT 38.73
PETTY CASH CITY 50
PRUITT OUTDOOR POWER 14.99
UNITED SEEDS INC 147.5
VERIZON WIRELESS 41.02

Department : 10 - FIRE
BLACK HILLS ENERGY 69.56
CHARTER BUSINESS 18.2
FIRST BANKCARD 1030.81

FORT DEARBORN LIFE INSURANCE CO 186.04
KONICA MINOLTA PREMIER FINANCE 35.78
MULLENAX AUTO SUPPLY 55.23
ROLLINS INC 28
WALKERS INC 34.74
YANT TESTING SUPPLY & EQUIPMENT 276.55

Department : 11 - SENIOR CITIZEN CTR
BLACK HILLS ENERGY 126.15
CHARTER BUSINESS 154.47
FIX ENTERPRISES INC 392.46
HYVEE 365.83
REINHART FOODSERVICE LLC 2290.82
STRATUS BUILDING SOLUTION OF ARIZONA 219
WALKERS INC 146.1

Department : 12 - DEBT SERVICE
FIRST STATE BANK 112137.75

Department : 17 - COMMUNITY CENTER
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 92.71
AQUA CHEM INC 272.5
BLACK HILLS ENERGY 1135.39
BOMGAARS SUPPLY 64.99
CARD INTEGRATORS CORPORATION 684.98
CHARTER BUSINESS 463.42
EGAN SUPPLY CO 306.99
FIRST BANKCARD 66.53
GAGE BAILEY 70.09
KONICA MINOLTA PREMIER FINANCE 186.7
STRATUS BUILDING SOLUTION OF ARIZONA 1870
THE WALDINGER CORPORATION 1185.13
WALKERS INC 126

Department : 18 - AQUATIC
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 92.71
BARONI ENTERPRISES 59
BLACK HILLS ENERGY 29.86
CHARTER BUSINESS 39.92

Department : 20 - WATER
BIG RED COMMUNICATIONS 127
BLACK HILLS ENERGY 186.8
BOMGAARS SUPPLY 153.98
CORE & MAIN LP 1185.8
DPC INDUSTRIES INC 80
MATHESON TRI-GAS INC 27.03
MENARDS 247.22

MISSISSIPPI LIME COMPANY 4483.8
MUNICIPAL AUTOMATION & CONTROL 78.56
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 327.63
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 39726.4
NEBRASKA IOWA SUPPLY CO INC 927.19
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 145
NEBRASKA PUBLIC POWER DISTRICT 6386.31
OLMSTED & PERRY ENGINEERING 2895
ONE CALL CONCEPTS INC 60.39
OREILLY AUTOMOTIVE INC 15.92
TRANSWOOD LOGISTICS INC 1130.05
TYLER TECHNOLOGIES 90
VERIZON WIRELESS 163.07
WATER & SEWER DEPARTMENT 248.95

Department : 24 - DRUG FORFEITURE
H & H SALES INC 400
VERIZON WIRELESS 41.02

Department : 30 - SEWER
BIG RED COMMUNICATIONS 127
BLACK HILLS ENERGY 1613.23
BOMGAARS SUPPLY 132.43
MENARDS 223.17
NEBRASKA DEPT OF ENVIRONMENTAL QUALITY 155201.78
NEBRASKA IOWA SUPPLY CO INC 727.37
NEBRASKA PUBLIC POWER DISTRICT 2270.44
NIJOSK INC 1149.29
OLMSTED & PERRY ENGINEERING 386450
ONE CALL CONCEPTS INC 60.39
OREILLY AUTOMOTIVE INC 60.29
TYLER TECHNOLOGIES 90
VERIZON WIRELESS 81.03

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc, reviewed Change Order No. 1 for the 15th Street Paving Extension Project for a decrease of (-)\$1,114.00 in the contract price. The work for the 15th Street Paving Extension has been completed and Mr. Perry recommended approval. Motion by Muller seconded by Derby to approve Change Order No. 1 for the 15th Street Paving Extension Project for a decrease of (-)\$1,114.00 in the contract price and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Brookhouser, Clark, Minahan,

Riese, Forrest, Muller, Kerns and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.2 (Final) submitted by Vrba Construction Inc. for the 15th Street Paving Extension Project in the amount of \$2,092.55. Mr. Perry stated this is the Final Pay Request for this project but they do not have the Close-out documents yet. Mr. Perry recommended approval contingent on receipt of all Close-out documents. Motion by Brookhouser seconded by Riese to approve Contractor's Application for Payment No.2 (Final) submitted by Vrba Construction Inc. for the 15th Street Paving Extension Project in the amount of \$2,092.55 and authorize the Mayor to execute Pay Application No. 2 contingent on receipt of all Close-Out documents. ROLL CALL: Yes-Derby, Brookhouser, Riese, Forrest, Kerns, Clark, Minahan and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 3 for the 2021 Street Repair Project for an increase of (+)\$18,178.94 in the contract price.which reflects the as-constructed quantities for all three segments of the project. Mr. Perry recommended approval. Motion by Brookhouser seconded by Forrest to approve Change Order No. 3 for the 2021 Street Repair Project for an increase of (+)\$18,178.94 in the contract price and authorize the Mayor to execute Change Order No. 3. ROLL CALL: Yes-Muller, Forrest, Minahan, Clark, Brookhouser, Derby, Riese and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.3 submitted by 2 The T Construction Inc. for the 2021 Street Repair Project in the amount of \$16,361.05. This is a progress payment and Mr. Perry recommended approval. Motion by Brookhouser seconded by Kerns to approve Contractor's Application for Payment No.3 submitted by 2 The T Construction Inc. for the 2021 Street Repair Project in the amount of \$16,361.05 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Kerns, Clark, Derby, Brookhouser, Minahan, Muller, Riese and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.4 (Final) submitted by 2 The T Construction Inc. for the 2021 Street Repair Project in the amount of \$24,123.87 which is the final retainage due. The engineer does not yet have all Close-out documents and recommended approval contingent on receipt of all Close-out documents. Motion by Brookhouser seconded by Forrest to approve Contractor's Application for Payment No.4 (Final) submitted by 2 The T Construction Inc. for the 2021 Street Repair

Project in the amount of \$24,123.87 and authorize the Mayor to execute Pay Application No. 4 contingent on receipt of all Close-out documents. ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Kerns, Clark, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Council member Kerns stated that he would be abstaining from any discussion or action on the following items: ITEM 8 F; ITEM 8 G; AND ITEM 8 H as he has a conflict of interest.

ITEM 8 F

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 for the US Highway 75 Utility Relocations-8th Ave North Water Project for an increase (+)\$2,557.00 in the contract price which reflects the as constructed quantities. The final adjusted contract amount is \$112,458.48. Mr. Perry recommended approval. Motion by Muller seconded by Minahan to approve Change Order No. 2 for the US Highway 75 Utility Relocations- 8th Ave North Water Project for an increase (+)\$2,557.00 in the contract price and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Minahan, Clark, Muller, Riese, Brookhouser, Derby and Forrest. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 G

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.1 submitted by Kerns Excavating Co. Inc. for the US Highway 75 Utility Relocations- 8th Ave North Water Project in the amount of \$ 95,534.53 for work completed less the 10% retainage. Mr. Perry recommended approval. Motion by Riese seconded by Derby to approve Contractor's Application for Payment No.1 submitted by Kerns Excavating Co. Inc. for the US Highway 75 Utility Relocations- 8th Ave North Water Project in the amount of \$ 95,534.53 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Forrest, Brookhouser, Minahan, Derby, Riese, Clark and Muller. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 H

Steve Perry, PE-Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.2 (Final) submitted by Kerns Excavating Co. Inc. for the Highway 75 Utility Relocations- 8th Ave North Water Project in the amount of \$16,923.95, which is the final retainage amount. Mr. Perry stated he had just received the Close-out documents. Mr. Perry recommended approval contingent on review of Close-out documents. Motion by Forrest seconded by Derby to approve Contractor's Application for Payment No.2 (Final) submitted by Kerns Excavating Co. Inc. for the Highway 75 Utility Relocations- 8th Ave North Water Project in the amount of \$16,923.95 and authorize the Mayor to execute Pay Application No. 2 contingent on review of Close-out documents. ROLL CALL: Yes-Muller, Riese, Derby, Clark, Minahan, Brookhosuer and Forrest. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Pursuant to publication Mayor Lambert opened a public hearing at 7:22 p.m. to hear public comment and consider the Application for a Class I Liquor License submitted by Chyna Entertainment LLC dba Hatchett Jaxx, 16304 Westside Drive, Plattsmouth, Nebraska. Emily Bausch, City Administrator referenced Chief Rathman's memo and the findings of applicant, Donna Barton's failure to disclose all of the convictions relating to spouse/business partner, Christopher Barton. The Plattsmouth Police Department objects to the liquor license request. City Administrator, Emily Bausch referenced the license application and staff reports from Chief of Police and Building Inspector/Zoning Administrator. Staff recommends denial of Liquor License. No one else spoke in favor, opposition or of a neutral nature. Mayor Lambert closed the public hearing at 7:24 p.m.

ITEM 9 B

Stephen Q. Preston, City Attorney informed Council their action is to make a recommendation to the Nebraska Liquor Control Commission. Motion by Forrest seconded by Muller to make a recommendation of denial to the Nebraska Liquor Control Commission on grounds that the application filed by Donna Barton failed to completely disclose all of the convictions relating to her spouse/business partner, Christopher Barton. Following discussion, ROLL CALL: Yes-Forrest, Brookhouser, Kerns, Muller, Riese, Clark and Derby. No-Minahan. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Brookhouser seconded by Clark to adopt RESOLUTION NO. 21-022: Signing of the Year-End Certification of City Street Superintendent 2021 by title only. Stephen Q. Preston, City Attorney read RESOLUTION NO. 21-022 in to the record by title only. ROLL CALL: Yes-Derby, Kerns, Muller, Forrest, Minahan, Clark, Brookhouser and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Brookhouser seconded by Derby to approve the appointment of Jim Olmsted, Olmsted & Perry Consulting Engineers Inc., as the City of Plattsmouth Street Superintendent for calendar year 2022. ROLL CALL: Yes-Brookhouser, Derby, Clark, Kerns, Minahan, Muller, Riese and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Kerns seconded by Brookhouser to approve the Nebraska Department of Transportation Maintenance Agreement No. 21 Renewal for January 1, 2022 through December 31, 2022 and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Riese, Forrest,

Minahan, Muller, Clark, Kerns, Brookhouser and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Emily Bausch, City Administrator informed council she felt this was a leadership opportunity. The Chief obtaining this education would allow for long term Strategic Planning within the city without having to hire a consultant. This is a virtual course that is 3-5 years. Strategic planning within the city, past and future needs, was discussed. Council discussed having an agreement with a service term beyond completion of the course as a way to secure the investment. Motion by Kerns seconded by Riese to approve the Chief of Police to attend Liberty University Graduate School of Business, Doctorate of Strategic Leadership (virtual) and authorize payment for tuition, books and fees not to exceed \$26,448 contingent on a tuition reimbursement agreement acceptable to both parties. ROLL CALL: Yes-Forrest, Riese, Muller, Minahan, Kerns, Clark, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Council discussed the service frequency for the recycling services-it is currently bi-weekly and would like to keep the same with the new contract. The new contract is a 3 year contract. Motion by Brookhouser seconded by Clark to approve a Customer Services Agreement with Papillion Sanitation for the continuation of recycling services at the existing site over a three year services term at the biweekly rate of \$185.00 and authorize the Mayor to execute the Agreement on behalf of the City. Following discussion on the location, ROLL CALL: Yes-Derby, Brookhouser, Kerns, Forrest, Clark, Muller, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Emily Bausch, City Administrator stated the City is the vendor, this is a Federal Aid Program through Department of Health and Human Services and gave a brief summary of the Program. This is the first step in the process. The intent is for emergency use-not long term. Motion by Brookhouser seconded by Forrest to approve the Low Income Household Water Assistance Program Vendor Agreement (Federal funds will be used to assist eligible households with arrearages, rates and fees associated with reconnection or prevention of disconnection of service, and rate reduction for such services) and authorize the Mayor to execute the Agreement. Following discussion, ROLL CALL: Yes-Minahan, Derby, Riese, Muller, Brookhouser, Forrest, Clark and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Derby seconded by Brookhouser to approve the reappointment of Gary Hellwig to the Cemetery Advisory Board for a three (3) year term (January 2022 through January 2025). ROLL CALL: Yes-Kerns, Brookhouser, Forrest, Clark, Muller, Derby, Riese and Minahan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 J

Motion by Brookhouser seconded by Clark to accept, with regrets, the resignation of Millie Buethe from the Plattsmouth Housing Authority Board of Commissioners. ROLL CALL: Yes-Brookhouser, Minahan, Riese, Derby, Forrest, Kerns, Clark and Muller. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 K

Motion by Kerns seconded by Brookhouser to approve the appointment of Chuck Garrean to the Plattsmouth Housing Authority Board of Commissioners to fill a vacancy with a term that expires May 2024. ROLL CALL: Yes-Forrest, Muller, Kerns, Brookhouser, Derby, Clark, Minahan and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 L

Motion by Muller seconded by Brookhouser to approve the appointment of Susie Nielsen to the Plattsmouth Housing Authority Board of Commissioners to fill a vacancy with a term that expires May 2026. ROLL CALL: Yes-Brookhouser, Derby, Clark, Kerns, Minahan, Muller, Riese and Forrest. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 M

Mayor Lambert opened the floor for nomination for Plattsmouth City Council President for 2022 term. Council member Kerns nominated Muller; Council member Brookhouser nominated Minahan. Motion by Clark seconded by Kerns to close the nominations. MOTION CARRIED, on a voice vote.

Votes were cast and tallied: Muller-5 votes and Minahan-3 votes. Muller is the Plattsmouth City Council President for the 2022 term.

ITEM 12

8:42 p.m. Motion by Brookhouser seconded by Clark to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk