

# PLATTSMOUTH CITY COUNCIL

December 19, 2022

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 19, 2022 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: Sean Minahan, Morgan Muller, Terry Kerns, Bryan Clark, Jeanie Brookhouser, Stockton Graham and James Forrest. Council Members Absent: Steve Riese. 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 December 8, 2022 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 Minahan to approve the Consent Agenda as presented:

- A Consider approval of the December 5, 2022 City Council Meeting Minutes
- B Receive Treasurer's Report
- C Consider approval of claims

Claims Register Report as of 12/19/22

Pay Date: 12/16/22	145257.51
Com Ctr 6832.7	
EMS 27651	
General 16076.69	
Library 8902.35	
Parks and Cemetery 3755.09	
Police 49744.63	
Senior Center 3854.18	
Street 12478.81	
Water and Sewer 15962.06	

Various

Vendor Name

AMERITAS 17571.51  
COLLECTION SERVICES CENTER 174  
COUNTY COURT OF LANCASTER COUNTY NE 25.6  
FIRST STATE BANK NEBRASKA 186.16  
FRATERNAL ORDER OF POLICE 210  
INTERNAL REVENUE SERVICE 32869.54  
NEBRASKA DEPARTMENT OF REVENUE 5351.79

Department : 01 - GENERAL ADMINISTRATION

AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 206.02  
BLACK HILLS ENERGY 1216.69  
CASS COUNTY TREASURER 500  
CHARTER BUSINESS 56.4  
DANA F COLE & COMPANY LLC 550  
EGAN SUPPLY CO 50.37  
IDEAL PURE WATER 20.5  
INDEPENDENT AUTO REPAIR 47.6  
IRINA A HARRINGTON 75  
LEE AGRI MEDIA 51.01  
LEE ENTERPRISES 402.29  
MICROFILM IMAGING SYSTEMS 75  
NEBRASKA PUBLIC POWER DISTRICT 225.57  
OREILLY AUTOMOTIVE INC 35.2  
OXEN TECHNOLOGY 1102.5  
PERMITE CO OF NEB AND IA 50  
STEPHEN Q PRESTON 4800  
STERICYCLE SHRED IT 126.08  
THE PITNEY BOWES BANK INC 1510  
VERIZON WIRELESS 85.58  
WASTE CONNECTIONS OF NEBRASKA INC 5971.22  
WINDSTREAM 237

Department : 02 - HUMANE/CODE ENFORCEMENT

AMAZON.COM SALES INC 19.49  
NEBRASKA PUBLIC POWER DISTRICT 98.45  
SHELL FLEET PLUS 156.75

Department : 03 - EMS

AMAZON.COM SALES INC 70.09  
BLACK HILLS ENERGY 1653.79  
BOUND TREE MEDICAL LLC 1566.03  
EGAN SUPPLY CO 271.49  
FIRST BANKCARD 791.71  
IDEAL PURE WATER 25.25  
MATHESON TRI-GAS INC 332.94  
NEBRASKA PUBLIC POWER DISTRICT 270.56  
SHELL FLEET PLUS 1854.71

SMA ENTERPRISE INC 146.52  
TROY A HOFMANN 4487.08  
VERIZON WIRELESS 171.43  
WALKERS INC 20.38  
WASTE CONNECTIONS OF NEBRASKA INC 40.27  
WEX HEALTH INC 13.5  
WINDSTREAM 179.22

Department : 04 - POLICE

AMAZON.COM SALES INC 71.26  
CASS COUNTY REGISTER OF DEEDS 20  
CONSOLIDATED MANAGEMENT CO 83.1  
DIGITAL ALLY INC 335  
FLATWATER APPAREL INC 950  
H & H SALES INC 131.85  
JACKS UNIFORMS & EQUIPMENT 152.94  
MULLENAX AUTO SUPPLY 407.01  
NOLAN SIEMONSMA 287.68  
SHELL FLEET PLUS 2680.62  
VERIZON WIRELESS 321.02  
WEX HEALTH INC 26  
WINDSTREAM 325.21

Department : 05 - STREET

BLACK HILLS ENERGY 715.6  
CINTAS CORPORATION #749 359.88  
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 391.89  
LOGAN CONTRACTORS SUPPLY CO 2970  
MENARDS 85.93  
NEBRASKA PUBLIC POWER DISTRICT 5302.57  
NSG LOGISTICS LLC 1995.88  
OREILLY AUTOMOTIVE INC 41.46  
PRUITT OUTDOOR POWER 699  
SHELL FLEET PLUS 1026.63  
VERIZON WIRELESS 128.37  
WASTE CONNECTIONS OF NEBRASKA INC 328.42  
WINDSTREAM 125.02  
WOODHOUSE FORD SOUTH INC 990.92

Department : 06 - LIBRARY

BLACK HILLS ENERGY 380.75  
CHARTER BUSINESS 65  
CITY OF NORFOLK 11.06  
NEBRASKA PUBLIC POWER DISTRICT 266.01  
OCLC ONLINE COMPUTER LIBRARY CENTER INC 178.82  
SCHOLASTIC INC 312.09  
WASTE CONNECTIONS OF NEBRASKA INC 40.27

Department : 07 - PARKS

AMAZON.COM SALES INC 42.68

BLACK HILLS ENERGY 200.86  
EGAN SUPPLY CO 236.52  
MULLENAX AUTO SUPPLY 16.14  
NEBRASKA PUBLIC POWER DISTRICT 237.7  
SHELL FLEET PLUS 331.85  
VERIZON WIRELESS -5.36  
WALKERS INC 14.1  
WASTE CONNECTIONS OF NEBRASKA INC 287.41

Department : 08 - CEMETERY  
BLACK HILLS ENERGY 211.65  
MULLENAX AUTO SUPPLY 124.1  
PRUITT OUTDOOR POWER 25.59  
SHELL FLEET PLUS 111.18  
VERIZON WIRELESS 42.79  
WASTE CONNECTIONS OF NEBRASKA INC 138.55

Department : 10 - FIRE  
BLACK HILLS ENERGY 1653.78  
FELD FIRE 3905  
IDEAL PURE WATER 25.25  
MULLENAX AUTO SUPPLY 76.93  
NEBRASKA PUBLIC POWER DISTRICT 270.57  
NEBRASKA STATE FIRE MARSHAL 50  
PLATTSMOUTH VOLUNTEER FIREFIGHTERS ASSOC 96.24  
SAM A DMAVRO 60  
WALKERS INC 20.37  
WASTE CONNECTIONS OF NEBRASKA INC 40.27  
WINDSTREAM 179.21

Department : 11 - SENIOR CITIZEN CTR  
BLACK HILLS ENERGY 264.93  
NEBRASKA PUBLIC POWER DISTRICT 621.92  
OFFICE DEPOT INC 55.27  
REINHART FOODSERVICE LLC 3288.99  
SHELL FLEET PLUS 59.95

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 635.55

Department : 17 - COMMUNITY CENTER  
AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 103.01  
BLACK HILLS ENERGY 2384.4  
BODY BASICS INC 339.06  
NEBRASKA AIR FILTER INC 180.41  
NEBRASKA PUBLIC POWER DISTRICT 5597.24  
THE WALDINGER CORPORATION 5449.92  
WALKERS INC 103.59  
WASTE CONNECTIONS OF NEBRASKA INC 256.03

Department : 18 - AQUATIC

AMERICAN SOCIETY OF COMPOSERS AUTHORS & PUBLISHERS 103.01

BLACK HILLS ENERGY 35.4

NEBRASKA PUBLIC POWER DISTRICT 90.06

Department : 20 - WATER

BIG RED COMMUNICATIONS 127

BLACK HILLS ENERGY 478.72

CORE & MAIN LP 120.11

DPC INDUSTRIES INC 166

NEBRASKA PUBLIC POWER DISTRICT 84.83

ONE CALL CONCEPTS INC 40.16

PETTY CASH WATER DEPARTMENT 458.45

SHELL FLEET PLUS 522.4

STEPHEN Q PRESTON 1600

TRANSWOOD LOGISTICS INC 1161.39

VERIZON WIRELESS 168.38

WEX HEALTH INC 10.5

WINDSTREAM 133.05

WWETFE INC 1694

Department : 24 - DRUG FORFEITURE

H & H SALES INC 400

VERIZON WIRELESS 192.78

Department : 30 - SEWER

BIG RED COMMUNICATIONS 127

BLACK HILLS ENERGY 2879.98

CORE & MAIN LP 350.27

EGAN SUPPLY CO 148.13

MACQUEEN EQUIPMENT LLC 1165

MIDWEST LABORATORIES INC 624

OLMSTED & PERRY ENGINEERING 18163.8

ONE CALL CONCEPTS INC 40.16

SHELL FLEET PLUS 312.3

STEPHEN Q PRESTON 1600

UNITED STATES POSTAL SERVICE 170

VERIZON WIRELESS 82.8

WASTE CONNECTIONS OF NEBRASKA INC 122.57

WINDSTREAM 116.23

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

## ITEM 8-UNFINISHED BUSINESS

### ITEM 8 A

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 (Final) for the 2022 PC Concrete Street Repair Project and stated the Change Order will adjust the final contract price (-)\$37,451.00 for a total contract price of \$201,449.00. Mr. Perry recommended approval. Motion by Kerns seconded by Forrest to approve Change Order No. 2 (Final) for the 2022 PC Concrete Street Repair Project and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Graham, Kerns, Forrest, Muller, Clark, Brookhouser and Minahan. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

### ITEM 8 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.3 (Final) submitted by 2 The T Construction Inc. for the 2022 PC Concrete Street Repair Project in the of amount of \$28,289.00. This is the final amount due and Mr. Perry recommended approval. Motion by Muller seconded by Forrest to approve Contractor's Application for Payment No.3 (Final) submitted by 2 The T Construction Inc. for the 2022 PC Concrete Street Repair Project in the of amount of \$28,289.00 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Kerns, Minahan, Muller, Forrest, Brookhouser, Graham and Clark. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

### ITEM 8 C

Council member Kerns stated he would be abstaining from any discussion or action on this item as his company is a subcontractor to Hendrickson Transportation LLC.

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 3 submitted by Hendrickson Transportation LLC for Contract No. 1 Site Pre-Grading Project (2019 Flood Recovery Project #88688-Relocated Wastewater Treatment Facility) in the amount of \$121,663.38. This is a progress payment through 12/09/2022 and Mr. Perry recommended approval. Motion by Brookhouser seconded by Minahan to approve Contractor's Application for Payment No. 3 submitted by Hendrickson Transportation LLC for mm Contract No. 1 Site Pre-Grading Project (2019 Flood Recovery Project #88688-Relocated Wastewater Treatment Facility) in the amount of \$121,663.38 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Brookhouser, Clark, Minahan, Muller, Graham and Forrest. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

### ITEM 8 D

Council member Kerns stated he would be abstaining from any discussion or action on this time as he is a potential subcontractor on the project.

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. was present and Keith Hobson and Matt Hawes joined the meeting via ZOOM. The final plans, specifications and bidding documents for Contract No. 2-Wastewater Treatment Plant Improvements have been completed and were reviewed.

Following discussion, Motion by Forrest seconded by Muller to authorize the solicitation of bids for the New Wastewater Treatment Plant Contract No.2 - Wastewater Treatment Plant at the Fourmile Industrial Park site (2019 Flood Recovery Project PW#88688-Relocated Wastewater Treatment Facility). ROLL CALL: Yes-Muller, Forrest, Clark, Minahan, Brookhouser and Graham. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

#### ITEM 8 E

Motion by Brookhouser seconded by Forrest to table this item (Receive and discuss presentation by NPPD regarding status of the Community Solar Program Project and consider directing City Staff to review and negotiate, subject to Council approval, the Community Solar Project Agreement between NPPD and the City, the Ground Lease between the City and the Developer, the Power Purchase Agreement between NPPD and the Developer, and such other agreements as may be necessary to move forward with the Project) to a future meeting. ROLL CALL: Yes-Forrest, Muller, Minahan, Kerns, Clark, Graham and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

#### ITEM 9-NEW BUSINESS

##### ITEM 9 A

Lee Greenwald of Baird Holm Attorneys at Law-Attorney for the seller, asked council to approve a Partial Release of Public Utility Easement on real property located at 2400 W 8<sup>th</sup> Avenue. This is an interior utility easement and there are no utilities in it. Staff recommended approval. Motion by Forrest seconded by Minahan to approve a Partial Release of Public Utility Easement on real property located at 2400 W 8<sup>th</sup> Avenue and authorize the Mayor to execute the same. Following discussion, ROLL CALL: Yes-Minahan, Kerns, Clark, Brookhouser, Forrest, Muller and Graham. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

##### ITEM 9 B

Motion by Muller seconded by Brookhouser to approve the appointment of Nate Taylor as the Public Works Director. ROLL CALL: Yes-Brookhouser, Graham, Clark, Kerns, Minahan, Muller and Forrest. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

##### ITEM 9 C

Council Member Muller introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 2001: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS JANUARY 1, 2023; TO REPEAL ORDINANCE NO. 2000 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Muller to suspend the statutory rule requiring an ordinance be read on three different days and adopt Ordinance No. 2001 on first reading by title only. Following discussion, Muller withdrew his motion. Motion by Forrest to adopt Ordinance No. 2001 on first reading by title only. Said motion was seconded by Brookhouser. ROLL CALL: Yes-Muller, Kerns, Graham, Forrest, Minahan, Clark and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read Ordinance No. 2001 in to the record by title only.

Motion by Forrest seconded by Muller to suspend the statutory rule that Ordinance No. 2001 be read on three different days and to adopt Ordinance No. 2001 on final reading by title only. ROLL CALL: Yes-Clark, Brookhouser, Minahan, Muller, Kerns, Graham and Forrest. No-None. Absent-Riese. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read Ordinance No. 2001 in to the record by title only.

ITEM 9 D

Motion by Brookhouser seconded by Kerns to approve the appointment of Rodney Glup to the Plattsmouth Housing Authority Board of Commissioners to fill a vacancy with a term that expires 05/2024. ROLL CALL: Yes-Kerns, Forrest, Brookhouser, Graham, Minahan, Muller and Clark. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Brookhouser seconded by Kerns to approve Nebraska Schedule II-County/City Lottery Sales Outlet Location Application (Form 50G) for a Keno Satellite location under Cass County Keno, LLC submitted by Chyna Entertainment LLC dba Hatchett Jaxx, 16304 Westside Drive #100 and authorize the Mayor to execute the application. ROLL CALL: Yes-Graham, Clark, Muller, Kerns, Brookhouser, Forrest and Minahan. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 12

7:47 p.m. Motion by Brookhouser seconded by Forrest to adjourn. ROLL CALL: Yes-Forrest, Muller, Minahan, Kerns, Clark, Graham and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk