

PLATTSMOUTH BOARD OF ADJUSTMENT AND EQUALIZATION

January 7, 2013

7:00 p.m.

1. Meeting Called to Order by Chairman Michael C. Bowman
2. Announce Location of Open Meeting Act and Documents to be discussed at the Meeting
3. Pledge of Allegiance
4. Roll Call
5. Consider approval of the October 1, 2012 minutes of the Plattsmouth Board of Adjustment and Equalization
6. Public Hearing: Imposition of a special assessment on real estate at 421 Hillcrest Drive Plattsmouth, NE 68048: PARCEL 130016950 Lot 13, Hillcrest subdivision of Hay's Addition of the City of Plattsmouth, Cass County, Nebraska resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2011
7. Public Hearing: Imposition of a special assessment on real estate at 415 S 5th Street Plattsmouth, NE 68048: PARCEL 130059455 The North half of Lot 7, Block 62, City of Plattsmouth, Cass County, Nebraska resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2011
8. Public Hearing: Imposition of a special assessment on real estate at 205 S 23rd Street Plattsmouth, NE 68048: PARCEL 130395589 LOT 1, WINTERSET ADDITION – REPLAT II, AN ADMINISTRATIVE SUBDIVISION, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2011
9. Public Hearing: Imposition of a special assessment on real estate at 426 Avenue A Plattsmouth, NE 68048: PARCEL 130004030 Lot 9, Block 18, City of Plattsmouth, as surveyed, platted and recorded, Cass County, Nebraska resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2011
10. Public Hearing: Imposition of a special assessment on real estate at 619 S 7th Street Plattsmouth, NE 68048: PARCEL 130002291 The North 121.5' of the South 246.5' of Outlots 55 and 56 in the SW ¼ of the SW ¼ of Section 18-12-14, City of Plattsmouth, Cass County, Nebraska resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2011

11. Public Hearing: Imposition of a special assessment on real estate at 1232 Clinton Street Plattsmouth, NE 68048: PARCEL 130306703 Lots 5 and 6, Block 28, South Park Addition to the City of Plattsmouth, as surveyed, platted and recorded in Cass County, Nebraska, along with a portion of 13th Avenue, (Cass Street), lying South of Block 28 South Park Addition, from the Westerly right of way line of Clinton Street, thence West of the Easterly line of Nancy's Subdivision and the Easterly line of part of Sublot 3 of Lot 46, also being the East line of Kendel Height's extended Northerly adjacent thereto resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2011
12. Adjourn

PLATTSMOUTH CITY COUNCIL

January 7, 2013

7:00 p.m.

1 Meeting Called to Order by Mayor Michael C. Bowman

2 Announce Location of Open Meetings Act and Documents to be Discussed at the Meeting

3 Roll Call

4 Citizens Delegation

5 Mayor Proclamations

6 **CONSENT AGENDA**

A Consider approval of December 17, 2012 City Council Meeting Minutes

B Consider recommendation of approval of a Special Designated License filed by KRT Land Co. for a Chamber Award Banquet being held at St. John's School, 518 South 18th Street, Plattsmouth NE on January 25, 2013 from 12:30 p.m. to 11:50 p.m.

C Consider approval of claims

7 **UNFINISHED BUSINESS**

A Consider authorizing the publication of notice and solicitation of sealed bids for the removal and abandonment of Wells 1, 2 and 3; construction of a well house, including furnishings and installing the pump, building, and electrical (Well No. 8); construction of a new water main; construction of overhead electrical service to the well; and site grading

B Consider RESOLUTION NO. 13-007: Request for Relaxation of Design Standards for Nebraska Department of Roads Project No. URB-6404(1) 4th Avenue-16th Street to Hillcrest Drive

8 **NEW BUSINESS**

A Consider **RESOLUTION NO. 13-001: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 421 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA**

B Consider **RESOLUTION NO. 13-002: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5TH STREET, PLATTSMOUTH, NEBRASKA**

- C Consider **RESOLUTION NO. 13-003: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 205 SOUTH 23RD STREET, PLATTSMOUTH, NEBRASKA**
- D Consider **RESOLUTION NO. 13-004: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 426 AVENUE A, PLATTSMOUTH, NEBRASKA**
- E Consider **RESOLUTION NO. 13-005: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 619 SOUTH 7TH STREET, PLATTSMOUTH, NEBRASKA**
- F Consider **RESOLUTION NO. 13-006: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1232 CLINTON STREET, PLATTSMOUTH, NEBRASKA**
- G PUBLIC HEARING: Hear public comments regarding a proposed ordinance of the City of Plattsmouth, Nebraska enacting 5-6.1 of the Land Development Ordinance, creating the Downtown Plattsmouth Historic District; establishing supportive overlay zoning within the Plattsmouth Land Development Ordinance, amending the Plattsmouth Zoning Map; and allowing for severability of provision
- H PUBLIC HEARING: Hear public comments regarding the proposed annexation of land to the City of Plattsmouth, described as: (A) A parcel of land being situate in part of the Northwest (NW1/4) of the Northwest (NW1/4) of Section 13, Township 12 North, Range 13 East of the 6th Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southwest corner of Tax Lot 86 being the point of beginning; thence N00°00'00"E a distance of 462.26 feet along west line of said Tax Lot 86; thence S89°36'08"W a distance of 121.00 feet along line of said Tax Lot 86; thence N0°00'00"E a distance of 505.65 feet along the west line of said Tax Lot 86; thence N89°47'32"E a distance of 593.80 feet along the north line of said Tax Lot 86 to a point on the westerly right-of-way line of State Highway 75; thence southerly along the westerly right-of-way line of State Highway 75 to the northwest corner of Sublot 4 of Tax Lot 36 (replatted), thence continuing south along the east line of said Sublot 4 to the northeast corner of Bestmann Addition, thence continuing south along the east line of Bestmann Addition to the southeast corner of said addition, thence west along the south line of said addition to the southwest corner of Bestmann Addition, thence S89°36'13"W a distance of 124.83 feet along the south line of said Tax Lot 86 to the point of beginning. Said parcel contains 12.3 acres, more or less; (B) A parcel of land being situate in part of the Southeast (SE1/4) of the Northeast (NE1/4) and the Northeast (NE1/4) of the Southeast (SE1/4) of Section 14, Township 12 North, Range 13 East of the 6th Principal Meridian, Cass County, Nebraska being more particularly described as follows:

Commencing at the southeast corner of Tax Lot 1 being the point of beginning; thence south along the east line of Tax Lot 1 to the southeast corner of Tax Lot 1, thence continuing south along the east line of Tax Lot 15 (NE1/4,SE1/4) a distance of 594 feet, thence west along and parallel to the north line of Tax Lot 15, 990 feet; thence north along and parallel to the east line of Tax Lot 15 a distance of 594 feet to the southwest corner of Tax Lot 14 thence north along the west line of Tax Lot 14 to the northwest corner of Tax Lot 14, thence east along the north line of Tax Lots 1, 11, and 14 to the point of beginning. Said parcel contains 43.5 acres, more or less

I Consider first reading of ORDINANCE NO. 1855: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, ENACTING 5-6.1 OF THE LAND DEVELOPMENT ORDINANCE, CREATING THE DOWNTOWN PLATTSMOUTH HISTORIC DISTRICT; ESTABLISHING SUPPORTIVE OVERLAY ZONING WITHIN THE PLATTSMOUTH LAND DEVELOPMENT ORDINANCE, AMENDING THE PLATTSMOUTH ZONING MAP; ALLOWING FOR SEVERABILITY OF PROVISIONS; TO REPEAL ALL ORDINANCES IN CONFLICT, TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE**

J Consider first reading of ORDINANCE NO. 1856: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ANNEXING CERTAIN LANDS ADJACENT TO THE CITY OF PLATTSMOUTH, NEBRASKA AND DEFINING THE BOUNDARIES THEREOF AS FOLLOWS: TRACT 1: A PARCEL OF LAND BEING SITUATE IN PART OF THE NORTHWEST (NW ¼) OF THE NORTHWEST (NW ¼) OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF TAX LOT 86 BEING THE POINT OF BEGINNING; THENCE N00°00'00"E A DISTANCE OF 462.26 FEET ALONG WEST LINE OF SAID TAX LOT 86; THENCE S89°36'08"W A DISTANCE OF 121.00 FEET ALONG LINE OF SAID TAX LOT 86; THENCE N0°00'00"E A DISTANCE OF 505.65 FEET ALONG THE WEST LINE OF SAID TAX LOT 86; THENCE N89°47'32"E A DISTANCE OF 593.80 FEET ALONG NORTH LINE OF SAID TAX LOT 86 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75 TO THE NORTHWEST CORNER OF SUBLot 4 OF TAX LOT 36 (REPLATTED) , THENCE CONTINUING SOUTH ALONG THE EAST LINE OF SAID SUBLot 4 TO THE NORTHEAST CORNER OF BESTMANN ADDITION, THENCE CONTINUING SOUTH ALONG THE EAST LINE OF BESTMANN ADDITION TO THE SOUTHEAST CORNER OF SAID ADDITION, THENCE WEST ALONG THE SOUTH LINE OF SAID ADDITION TO THE SOUTHWEST CORNER OF BESTMANN ADDITION, THENCE S89°36'13"W A DISTANCE OF 124.83 FEET ALONG THE SOUTH LINE OF SAID TAX LOT 86 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.3 ACRES, MORE OR LESS; TRACT 2: A PARCEL OF LAND BEING SITUATE IN PART OF THE**

SOUTHEAST (SE ¼) OF THE NORTHEAST (NE ¼) AND THE NORTHEAST (NE ¼) OF THE SOUTHEAST (SE ¼) OF SECTION 14, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF TAX LOT 1 BEING THE POINT OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF TAX LOT 1 TO THE SOUTHEAST CORNER OF TAX LOT 1, THENCE CONTINUING SOUTH ALONG THE EAST LINE OF TAX LOT 15 (NE1/4,SE ¼) A DISTANCE OF 594 FEET, THENCE WEST ALONG AND PARALLEL TO THE NORTH LINE OF TAX LOT 15, 990 FEET; THENCE NORTH ALONG AND PARALLEL TO THE EAST LINE OF TAX LOT 15 A DISTANCE OF 594 FEET TO THE SOUTHWEST CORNER OF TAX LOT 14 THENCE NORTH ALONG THE WEST LINE OF TAX LOT 14 TO THE NORTHWEST CORNER OF TAX LOT 14, THENCE EAST ALONG THE NORTH LINE OF TAX LOTS 1, 11, AND 14 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 43.5 ACRES, MORE OR LESS.; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND TO PROVIDE AND EFFECTIVE DATE

- K Consider approval and authorize the Mayor to sign the State of Nebraska Maintenance Agreement No. 21-Certificate of Compliance for January 1, 2012 through December 31, 2012

- L Consider appointment of James J. Olmsted, P.E., Olmsted & Perry Consulting Engineers Inc. as the City Street Superintendent to the City of Plattsmouth, Nebraska which will be performed under a Class A City Street Superintendent license (License S-408) and said services shall not extend to any review authority or supervision responsibility over any City transportation project involving the use of federal funding and authorize the Mayor to execute the Certification of City Street Superintendent

- M Consider approval of the appointment of the following proposed new members to the Plattsmouth EMS Department: Emily Franks; Kyle Thunker; and Emily Hodges

- N Consider approval of the Plattsmouth EMS Department roster

- O Consider approval of the Mayor’s recommendation of the appointment/reappointment of the following:
 - Historic Preservation Board – 3 year term**
 - Harlan Seyfer-----New Term will expire January 2016
 - Don Gappa-----New Term will expire January 2016
 - Jennifer Roby-----New Term will expire January 2016

 - Planning Commission – 3 year term**
 - DeWayne Prince-----New Term will expire January 2015
 - R . Paul Lambert-----New Term will expire January 2015
 - Karen Weaver-----New Term will expire January 2015

Robert Rice-----New Term will expire January 2015
Sharon Kief-----New Term will expire January 2015
Marc Nichols-----New Term will expire January 2016
Jeff Kindig-----New Term will expire January 2016
Rich McKinley-----New Term will expire January 2016

Library Board – 4 year term

Justin M. Carter-----New Term will expire January 2017

Civil Service Commission – 6 year term

Scott Frazier-----New Term will expire January 2018

Rob Church-----New Term will expire January 2018

Park Board – 3 year term

Jerry Blackwell-----New Term will expire January 2015

Jim Forrest-----New Term will expire January 2016

Cemetery Board – 3 year term

Glen Hess-----New Term will expire January 2015

Cindy Sitzman-----New Term will expire January 2015

Jerry Higgins-----New Term will expire January 2016

Barb Davenport-----New Term will expire January 2016

- P Consider for approval the request to purchase one 2013 production year ¾ ton 4x4 WT pick-up with utility box for Public Works/Sewer Fund
- Q Consider a closed session to protect the public interest in regard to litigation entitled Castaway Point, LLC vs. City of Plattsburgh, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819; the possible purchase of real estate for the construction of a shop for the Water Treatment Plant and authorization to proceed with making an offer on the same; and legal contractual matters related to the Plattsburgh Rural Fire Board Interlocal Agreement
- R Consider the appointment of Larry Welch Jr. as special legal counsel for the City of Plattsburgh for the Castaway Point, LLC vs. City of Plattsburgh litigation filed in Federal District Court

- 9 City Administrator Communication
- 10 Mayor and City Council Communication
- 11 Adjourn