

PLATTSMOUTH CITY COUNCIL

November 7, 2016

7:00 p.m.

- 1 Meeting Called to Order by Mayor R. Paul Lambert
- 2 Announce Location of Open Meetings Act and Documents to be Discussed at the Meeting
- 3 Roll Call
- 4 Citizens Delegation
- 5 Mayoral Proclamations
 - A Proclaimed October 30, 2016 “Martha McQuin Day” commemorating her 100th Birthday
- 6 **CONSENT AGENDA**
 - A Consider approval of the October 17, 2016 City Council Meeting Minutes
 - B Consider approval of claims
- 7 **UNFINISHED BUSINESS**
 - A Consider approval of Change Order No. 2 (Final) submitted by Oldcastle Materials Midwest for the for the Livingston Road Phase IV - Project Contract No. 1 in the amount of \$(-)4,391.86 for a total project cost of \$364,515.49 and authorize the Mayor to execute Change Order No.2
 - B Consider Contractor’s Application for Payment No. 2 submitted by Oldcastle Materials Midwest Co. in the amount of \$226,007.90 for the Livingston Road Phase IV Project- Contract No. 1; and authorize the Mayor to execute Pay Application No. 2
 - C Consider Contractor’s Application for Payment No. 3 (Final Retainage) submitted by Oldcastle Materials Midwest Co. in the amount of \$36,451.55 for the Livingston Road Phase IV Project-Contract No. 1; and authorize the Mayor to execute Pay Application No. 3 (Final Retainage)
 - D Consider approval of Change Order No. 1 (Final) submitted by for the Midwest Fence Company - Guardrail Systems Inc. for the Livingston Road Phase IV Project- Contract No. 2 in the amount of \$(-)1,219.00 for a total project cost of \$106,925.00; and authorize the Mayor to execute Change Order No.1

- E Consider Contractor's Application for Payment No.3 submitted by Midwest Fence- Guardrail Systems in the amount of \$61,835.00 for the Livingston Road Phase IV Project Contract No. 2 ; and authorize the Mayor to execute Pay Application No. 3
- F Consider approval of the First Amendment to the Agreement for Wastewater Services between the City of Plattsmouth and Omaha Tank Wash, LLC; contingent on execution of the First Amendment by Omaha Tank Wash, LLC; and authorize the Mayor to execute the First Amendment to the Agreement
- G Public Hearing: Hear and consider public comments regarding the annexation of property legally described as: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET;THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4;THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER;THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA;THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION,A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY

REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERESECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES MORE OR LESS.

8 **NEW BUSINESS**

A Consider ORDINANCE NO. 1911A: **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: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE**

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- B Consider a request to the Nebraska Department of Economic Development (NDED) to extend the contract terms on Community Development Block Grant 14CIS004, street, drainage and water improvements, beyond November 1, 2016, as provided in §1.02 Time of Performance, in the agreement between NDED and the City of Plattsmouth
- C Public Hearing: Hear and consider public comments regarding the Application for Class CK Liquor License submitted by The Smokehouse Tavern LLC d/b/a Smokehouse Tavern, 542 Main Street, Suites B & C, Plattsmouth NE
- D Consider a recommendation to the Nebraska Liquor Control Commission regarding an application submitted by The Smokehouse Tavern, 542 Main Street, Suites B & C, Plattsmouth NE 68048 for a Class CK Liquor License as provided for by the Nebraska Liquor Control Act for the following described location: 542 Main Street, Suites B & C, Plattsmouth, Cass County, Nebraska
- E Public Hearing: Hear and consider public comments regarding a request for a special use permit (kennel) in a RR (Rural Residential) District by Brenda Carroll on property located at 3317 Horning Road, legally described as 32-12-14 Lot 11 NW1/4 NE/14

- F Consider RESOLUTION NO. 16-032: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO GRANT A SPECIAL USE PERMIT FOR A KENNEL IN A RURAL RESIDENTIAL (RR) ZONING DISTRICT.
- G Consider RESOLUTION NO. 16-033: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 412 4TH AVENUE, PLATTSMOUTH, NE 68048: PARCEL #130242209 IN THE AMOUNT OF \$450.00**
- H Consider RESOLUTION NO. 16-034: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 643 SOUTH 6TH STREET, PLATTSMOUTH, NE 68048: PARCEL #130002879 IN THE AMOUNT OF \$995.00**
- I Consider a Street Closing or Event Permit Application submitted by Plattsmouth Main Street Association for Victorian Christmas on Main on November 26, 2016 from 4:00 p.m. to 10:00 p.m. – Closing South 4th Street and South 5th Street: Main Street south to east/west alley and North 5th Street: Main Street north to east/west alley and no vehicle access on North 5th Street from east/west alley north to Avenue A
- J Consider approval of the appointment of the following proposed new volunteer member to the Plattsmouth Emergency Medical Services Department: Sarah Dovenbarger
- K Consider approval of the Plattsmouth Emergency Medical Services Department Roster
- L Consider a Closed Session to protect the public interest with regard to real estate negotiations
- 9 City Administrator Communication
- 10 Mayor and City Council Communication
- 11 Adjourn