

PLATTSMOUTH CITY COUNCIL
February 16, 2009

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 February 16, 2009 at the City Hall in Plattsmouth Nebraska. Present were: Council Members: John Porter, Terry Kerns, Mike Bowman, Terry D. Tilson and Rod Jenkins. Absent were: Council Members: Ruth Wassinger, Arthur Tesarek and Doug Derby. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Treasurer Peggy Wilsey and City Attorney Roger Johnson.

Notice of this meeting was given in advance by publication in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Mayor Lambert publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

CITIZEN'S DELEGATION:

No one spoke at Citizen's Delegation.

The Pledge of Allegiance was recited.

CONSENT AGENDA:

Motion by Tilson, seconded by Bowman to approve the consent Agenda as listed excluding the claim for Kerns Excavating Company in the amount of \$137.50:

- A Approval of February 2, 2009 City Council Meeting Minutes
- B Consider approval of claims

SALARIES 1/28/09-2/10/09

General Admin	8,634.62
Humane Dept	678.35
Police Dept	20,503.60
Street Dept	7,265.04
Public Library	4,451.87
Parks	-

Oakhill Cemetery	1,076.32
Community Center	11,319.32
Senior Center	1,484.21
Payroll Sewer Dept.	4,730.06
Payroll Water Dept.	2,996.83

TOTAL SALARIES	63,140.22
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AA WHEEL & TRUCK SUPPLY	45.64
ADVANCED OFFICE AUTO	74.78
ALLIED OIL & SUPPLY INC	183.80
AMERITAS LIFE INSURANCE	7,754.52
AMSAN LLC	336.75
AUGGIE'S PERFORMANCE	842.71
BAKER & TAYLOR BOOKS	1,815.28
BLACK HILLS ENERGY	4,328.27
BOBCAT OF OMAHA	153.20
BOUND TREE MEDICAL LLC	2,519.08
C & L CLEANING	400.00
CARTRIDGE WORLD	391.95
CASS COUNTY SHERIFF	3,190.00
CENTER POINT LARGE PRINT	227.64
CENTRAL TRANSPORTATION	1,504.80
CHARTER BUSINESS	80.00
CINTAS CORPORATION #749	315.42
CIT TECHNOLOGY	169.50
CITY TREASURER	2,643.66
COREY L. PARRIOTT	91.97
DIAMOND FLORAL	53.25
DIVE RESCUE INTERNATIONAL	283.89
DUGAN BUSINESS FORMS	981.29
EDISON CHOI	405.00
EMC NATIONAL LIFE CO	190.48
EMS BILLING SERVICES INC	4,814.53
FASTENAL COMPANY	22.36
FIRST BANKCARD	148.95
FORT DEARBORN LIFE INSURANCE	161.68
FOUR STAR LAUNDRY	225.00
FREMONT NAT'L BANK & TRUST- Economic Development Sales Tax Bd	110,178.75
GE CAPITAL	1,327.11

GRAHAM TIRE LIN NORTH	500.64
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HARDING & SHULTZ	100.00
HART'S AUTO SUPPLY	976.00
HAWKINS INC	306.82
HD SUPPLY WATERWORKS LTD	270.76
HONEYMAN RENT HILL	119.90
HOST COFFEE SERVICE INC	46.00
IKON OFFICE SOLUTIONS	27.50
IMAGE TREND	750.00
INDUSTRIAL ELECTRIC	525.00
INTERNAL REVENUE SERVICE	22,054.51
JANE CRANE	89.22
JEN RUDNICK	250.00
JOE AUSTIN PLUMBING	280.67
JOHN DEERE CREDIT	1,559.55
KENZ & LESLIE	72.45
KERNS EXCAVATING COMPANY	137.50
LINDER TIRE & AUTO INC	379.00
LINWELD	636.94
MENARDS	1,420.62
METRO CHIEFS ASSOCIATION	25.00
MICHAEL ANZALONE	620.00
MIDWEST LABORATORIES INC	437.90
MISSISSIPPI LIME COMPANY	3,347.50
MR LANDSCAPE NURSERY	214.22
MULLENAX AUTO SUPPLY	750.82
MUTUAL OF OMAHA	661.23
NEBRASKA DEPT OF HEALTH	174.00
NEBRASKA DEPT OF REVENUE	3,137.90
NEBRASKA IOWA SUPPLY	1,183.80
NEBRASKA PUBLIC POWER	22,427.71
NEBRASKA SALT & GRAIN CO	2,569.05
NFPA	150.00
NIKON INC EL SEGUNDO	146.50
O'REILLY AUTOMOTIVE INC	175.48
OFE OIL INC.	411.79
OFFICE OF GROUP BENEFITS	277.20
OLMSTED & PERRY ENGINEER	881.92
OMAHA COMPOUND COMPANY	49.86
OMAHA POLICE FEDERAL CRE	338.40
PAMIDA DISCOUNT CENTER	557.60
PAPILLION SANITATION	273.83
PAYLESS OFFICE PRODUCTS	203.50
PL INTERIORS	162.00

PLATTSMOUTH ANIMAL HOSPITAL	15.00
PLATTSMOUTH STATE BANK- Equip	
Pymt/Café	11,876.65
PLATTSMOUTH STATE BANK - Hall Prop	
3/01	42,826.66
RACO INDUSTRIES	164.00
RAILROAD MANAGEMENT COMP	300.00
RDG PLANNING & DESIGN	4,280.00
RX THIRD PARTY	127.24
SAM'S	187.53
SKEETER DJ	150.00
THE COLUMBUS TELEGRAM	685.71
THE THOMPSON COMPANY	3,402.35
TRICARE	188.20
UNITED RENTALS	225.00
USA BLUEBOOK	177.26
W.S.BUNCH CO INC	5,830.00
WARGA BROADCASTING LLC	300.00
WATER & SEWER DEPARTMENT	6,113.22
WATER DEPARTMENT-PETTY CASH	341.66
WEIS FIRE & SAFETY EQUIP	495.94
WINDSTREAM	1,415.45
Total Claims	294,643.42
Total Claims and Salaries	357,783.64

ROLL CALL: Yes-Jenkins, Porter, Kerns, Bowman and Tilson. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

UNFINISHED BUSINESS

ITEM 7 A

Motion by Jenkins seconded by Bowman to approve Sampson Construction Co. Application No. 17 and Certification for Payment in the amount of \$37,000.00 and authorize payment. ROLL CALL: Yes-Kerns, Bowman, Tilson, Jenkins and Porter. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 7 B

Motion by Porter seconded by Jenkins to Deny Change Order COR-33 – Winter Conditions - \$11,073.00 and Approve Change Order: COR-45 – RFI#84 - \$2,835.00; COR-62 – Net Cable at

Gridline D - \$400.00; COR-63 – Install Senior Center Exit Lights - \$402.00: COR-71 – Interlock Pumps/Exhaust Fans - \$1,084.00; and COR-72 – Credit for the deleted items from the Lift Station – (\$4,700.00). After discussion, ROLL CALL: Yes-Bowman, Tilson, Jenkins, Porter and Kerns. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

NEW BUSINESS

ITEM 8 A

Motion by Tilson seconded by Jenkins to approve the Agreement between the City of Plattsmouth and HDR Engineer, Inc. to provide Combined Sewer Overflow Engineering Assistance through September 30, 2009 and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson and Jenkins. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Tilson seconded by Bowman to table Resolution No. 09-005: A Resolution granting Administrative Authority to the City Clerk to determine when an application for a Special Designated Liquor Permit is to be approved or denied, but only in the event when the time frame does not allow for approval or denial by the City Council at a regular scheduled meeting, until the next regularly scheduled meeting on March 2, 2009. ROLL CALL: Yes-Tilson, Jenkins, Porter, Kerns and Bowman, No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 C

7:15 p.m. Mayor Lambert opened a Public Hearing: Proposed One and Six Year Road and Street Improvement Plan for 2009. No one spoke in favor or opposition. 7:17 p.m. Mayor Lambert closed the Public Hearing.

ITEM 8 D

Motion by Tilson seconded by Jenkins to adopt:

RESOLUTION NO. 09-006

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA:

WHEREAS, the City's Street Superintendent has prepared the One and Six Year Road and Street Improvement Plan for 2009;

WHEREAS, the City's Street Superintendent recommends that the City adopt the Plan;
and

WHEREAS, the Mayor and City Council have reviewed the Plan and find that it meets the requirements of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Plattsmouth approve and adopt the One and Six Year Road and Street Improvement Plan for 2009.

PASSED AND APPROVED this 16TH day of February 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

ROLL CALL: Yes-Jenkins, Porter, Kerns, Bowman and Tilson. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

Motion by Jenkins seconded by Tilson to allow Council Member Kerns to abstain from any discussion or action on ITEMS E AND F under NEW BUSINESS. MOTION CARRIED.

ITEM 8 E

Motion by Jenkins seconded by Bowman to authorize solicitation of bids for Alley Repair Project (North 4th Street to North 5th Street-Main Street to Avenue A). ROLL CALL: Yes-Bowman, Tilson, Jenkins and Porter. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-Kerns. MOTION CARRIED.

ITEM 8 F

Motion by Bowman seconded by Jenkins to authorize solicitation of bids for Alley/Sinkhole Repair Project (South 4th Street north of 2nd Avenue). ROLL CALL: Yes-Porter, Bowman, Tilson and Jenkins. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-Kerns. MOTION CARRIED.

ITEM 8 G

Motion by Bowman seconded by Tilson to introduce Ordinance No. 1784, by title only, for first reading: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2002, BY AMENDING CHAPTER 5, ARTICLE 3, SECTION 5-301 ENTITLED TELECOMMUNICATIONS SERVICES OCCUPATION TAX; BY AMENDING CHAPTER 5, ARTICLE 3, SECTION 5-302 ENTITLED OCCUPATION TAX FIRE INSURANCE COMPANIES; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN**

EFFECTIVE DATE. ROLL CALL: Yes-Tilson, Jenkins, Porter, Kerns and Bowman. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1784 by title only.

ITEM 8 H

Motion by Bowman seconded by Tilson to introduce Ordinance No. 1785, by title only, for first reading: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2002, BY AMENDING CHAPTER 5, ARTICLE 3, SECTION 5-303 ENTITLED LIQUOR LICENSEE OCCUPATION TAX; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** ROLL CALL: Yes-Kerns, Bowman, Tilson, Jenkins and Porter. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1785 by title only.

ITEM 8 I

City Administrator Ervin Portis indicated that since the reorganization of the Cass County Nebraska Economic Development Council the membership to the Nebraska Expressways for Economic Development is no longer advantageous to the City of Plattsmouth. Motion by Jenkins seconded by Bowman to end the City of Plattsmouth's participation in the Nebraska Expressways for Economic Development, a coalition of cities organized for the purpose of lobbying the State Highway Commission and Legislature. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson and Jenkins. No-None. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 J

Mayor Lambert expressed his gratitude to Mr. Story for his contribution to the City while employed. Motion by Kerns seconded by Tilson to receive, with regrets, the resignation of Recreation Director, Donald Story, with an effective date of February 24, 2009. ROLL CALL: Yes-Bowman, Tilson, Jenkins and Kerns. No-Porter. Absent-Wassinger, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 11

7:32 p.m. Motion by Jenkins, seconded by Porter to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

Attest:

/s/Sandra J. Meyer, City Clerk