

PLATTSMOUTH CITY COUNCIL

March 2, 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 March 2, 2009 at the City Hall in Plattsmouth Nebraska. Present were: Council Members: John Porter, Mike Bowman, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Absent were: Council Members: Terry Kerns and Terry D. Tilson. 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 Jenkins, seconded by Derby to approve the consent Agenda as listed.

- A Approval of February 16, 2009 City Council Meeting Minutes
- B Consider approval of claims

SALARIES 2/11/09-2/24/09

General Admin	8,264.76
Humane Dept	678.35
Police Dept	19,539.48
Street Dept	8,106.30
Public Library	4,288.93
Parks	
Oakhill Cemetery	1,245.92
Community Center	11,254.03
Senior Center	1,416.00
Payroll Sewer Dept.	2,557.56
Payroll Water Dept.	4,724.15

TOTAL SALARIES	62,075.48
ADVANCED OFFICE	97.94
ALLTEL	47.07
AMERICAN FAMILY LIFE	24.10
AMERITAS LIFE INSURANCE	7,808.48
AMSAN LLC	293.98
ASPHALT & CONCRETE MATER	546.56
BLACK HILLS ENERGY	5,192.09
BLUE CROSS BLUE SHIELD	31,184.72
BOMGAARS SUPPLY	605.70
CENTRAL COMMUNITY COLLEGE	450.00
CHARTER BUSINESS	81.17
CITY TREASURER	201.26
DELTA DENTAL PLAN	1,766.10
ECHO GROUP INC	21.68
EDISON CHOI	180.00
EGAN SUPLLY CO	26.31
FARM PLAN	540.95
FERGUSON ENTERPRISES	478.44
FORT DEARBORN LIFE INSUR	151.36
FOUR STAR LAUNDRY	744.42
GRAHAM TIRE LIN NORTH	395.94
GRAINGER	238.60
HART'S AUTO SUPPLY	196.00
HAWKINS INC	1,097.08
HD SUPPLY WATERWORKS LTD	7.00
HDR ENGINEERING INC	1,379.15
IDEAL PURE WATER	52.00
IMPACT MANUFACTURING	364.15
INTERNAL REVENUE SERVICE	21,565.41
JEN RUDNICK	125.00
JOHN DEERE CREDIT	1,559.55
KENNEDY STORAGE	50.00
KERNS	137.50
MELLEN & ASSOCIATES INC	2,817.08
MENARDS	235.14
MICHAEL ANZALONE	300.00
MIDLAND COMPUTER INC	438.00
MIDWEST FARMERS COOPERAT	43.19
MUTUAL OF OMAHA	1,295.08
NEBRASKA DEPT OF REVENUE	2,106.45

NEBRASKA DEPT OF REVENUE	3,036.85
NEBRASKA MACHINERY CO	205.25
NEBRASKA PUBLIC HEALTH	95.00
NEBRASKA PUBLIC POWER	211.15
NEBRASKA SALT & GRAIN CO	1,315.56
NEXTEL PARTNERS	726.66
OCE IMAGISTICS	390.78
PAYFLEX	100.00
PAYLESS OFFICE PRODUCTS	261.90
PITNEY BOWES INC	191.67
PITNEY BOWES INC.	145.00
PITNEY BOWES PURCHASE PO	2,018.99
PLATTSMOUTH STATE BANK	11,815.16
RONNIE BECKWITH	225.00
SAFETY-KLEEN CORPORATION	263.20
SCHNEIDER AGENCY	2,579.00
SEAN HAIGHT	40.00
SHELL	3,113.84
SPRINT	9.72
TEST GAUGE AND BACKFLOW	678.00
THE SHERWIN WILLIAMS	229.74
THE UNION CENTRAL LIFE	155.02
TINCHER FORD-MERCURY INC	850.16
UNITED STATES LIFE INSUR	118.30
UNMC PHYSICIANS	266.00
UTILITIES SECTION	105.00
WATER & SEWER DEPARTMENT	28.00
WATKINS CONCRETE BLOCK	149.56
WELLS FARGO FINANCIAL	177.49
WINDSTREAM	528.10
Total Claims	114,874.75
Total Salaries and Claims	176,950.23

Additional Claim

PSB- Ameritas - Interest Pymt on Tax Anticiapation Note      \$ 9,120.00  
Due by 2:30 March 16<sup>th</sup>

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

UNFINISHED BUSINESS

ITEM 7 A

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1784- **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.** Motion by Bowman, seconded by Wassinger that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1784 be adopted on second reading by title only. ROLL CALL: Tesarek, Derby, Porter, Bowman, Wassinger and Jenkins. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1784 by title only.

ITEM 7 B

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1785: **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.** Motion by Bowman, seconded by Jenkins that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1785 be adopted on second reading by title only. ROLL CALL: Yes-Porter, Bowman, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1785 by title only.

ITEM 7 C

Motion by Wassinger, seconded by Jenkins to adopt:

**RESOLUTION NO. 09-005**

WHEREAS, pursuant to Nebraska Rev. Statute Section 53-124.11, all applications for special designated licenses for the sale or consumption of alcoholic liquor must have approval or denial of the local governing body or its designated agent; and

WHEREAS, said applications must be to the Nebraska Liquor Control Commission at least ten working days prior to the event for their consideration; and

WHEREAS, there are circumstances when this time frame does not allow for an application to be considered at a regular scheduled meeting of the City Council; and

WHEREAS, in order to avoid holding special council meetings, the City Council deems that the City Clerk should be designated as the agent of the local governing body 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 and establishing guidelines to be followed by such agent.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Plattsmouth, Nebraska, that the City Clerk is hereby designated as the agent of the local governing body 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.

BE IT FURTHER RESOLVED that the following guidelines will be applied by the City Clerk in reviewing applications for special designated permits for the sale or consumption of alcoholic liquor;

1. That a favorable police report has been issued relating to the type and level of security to be provided to insure that the liquor laws will be complied with.
2. That the granting of such a permit will not create traffic congestion or hazards, and will not violate any of the provisions of the Municipal Code relating to noise control.
3. That the application complies with the requirements of Nebraska Rev. Statute Section 53-134 and with the City of Plattsmouth Revised Municipal Ordinances, Chapter 5, Business Regulations, Article 1, Alcoholic Beverages.

Passed and approved this 2<sup>nd</sup> day of March, 2009.

/s/R. Paul Lambert, Mayor

Attest:

/s/Sandra Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-005 in to the record. ROLL CALL: Yes-Derby, Porter, Bowman, Wassinger, Jenkins and Tesarek. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

Mayor Lambert welcomed First Year Webelos Pack 477: Den Leader Cheryl Baxter and Cub Scouts- Joshua Charles Voogd, Brandon Fabian, Logan Bird, Darian Matteo and Grant Kathol.

NEW BUSINESS

ITEM 8 A

No action taken

ITEM 8 B

No action taken

ITEM 8 C

Motion by Jenkins, seconded by Bowman to adopt:

**RESOLUTION NO. 09-007**

WHEREAS, pursuant to Sections 4-117 of the Plattsmouth Revised Municipal Ordinances 2002 the Mayor and City Council are empowered to regulate traffic by the installation of stop signs by resolution;

WHEREAS, the Mayor and City Council have considered the need to install a stop sign on west bound Echo Lane at the intersection of Webster Blvd; and

WHEREAS, the Mayor and City Council have considered the public's safety.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that traffic be required to stop west bound Echo Lane at the intersection of Webster Blvd and that a stop sign be placed so to regulate such west bound traffic, located in the City of Plattsmouth, Cass County, Nebraska.

PASSED AND APPROVED this 2<sup>ND</sup> day of March 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-007 in to the record. ROLL CALL: Yes-Bowman, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

**ITEM 8 D**

Motion by Derby, seconded by Wassinger to approve the 2009 Downtown Rehabilitation (DTR) Program: 1) Submission of a Letter of Intent/Pre-application to the 2009 Downtown Rehabilitation (DTR) program at the Nebraska Department of Economic Development (NDED); 2) Schedule a public hearing for March 16, 2009 on the application to the 2009 Downtown Rehabilitation program; 3) Approve a preliminary project budget and basic work plan; and 4) Approve publication of Request for Qualifications for consultants. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Bowman and Wassinger. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

**ITEM 8 E**

Brian Paulsen, Chief of Police stated that the Law Enforcement Center Lease Agreement with Cass County beginning April 1, 2009 and ending March 31, 2012 is the second renewal (going in to years 7,8 & 9) and the Sheriff produced utilities bills for the last three years and they were up 19.6%, so Chief Paulsen felt that a 10% increase was fair. Motion by Jenkins, seconded by Porter to approve the Law Enforcement Center Lease Agreement with Cass County beginning April 1, 2009 and ending on March 31, 2012 and authorize the Mayor to execute the document. ROLL CALL: Yes-Wassinger, Jenkins,

Tesarek, Derby, Porter and Bowman. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 F

Motion by Wassinger, seconded by Jenkins to waive the \$30.00 joining fee at the Plattsmouth Community Center on Saturday, April 4, 2009 for a membership drive. ROLL CALL: Yes-Porter, Bowman, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 G

Motion by Bowman, seconded by Jenkins to give a favorable recommendation to the Nebraska Liquor Control Commission with regard to the Special Designated License filed by Marth Liquors LLC for April 3, 2009 for a Fund Raiser/Wine Tasting at the Plattsmouth Community Center, 308 South 18<sup>th</sup> Street, Plattsmouth from 7:00 p.m. to 10:00 p.m. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Wassinger and Jenkins. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 H

Shane Parshall, Plattsmouth Volunteer Rescue Treasurer stated that the purchase of a defibrillator for use in rescue operations at a purchase price of \$30,033.82 would be an update on the equipment the department already has and that the purchase would be with money from donations to the department. Motion by Jenkins, seconded by Wassinger to approve the request from the Fire Department (Rescue Squad Division) to purchase one defibrillator for use in rescue operations at a purchase price of \$30,033.82. ROLL CALL: Yes-Derby, Porter, Bowman, Wassinger, Jenkins and Tesarek. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 I

Motion by Bowman, seconded by Jenkins to rescind the current parking prohibitions for the 100 block of South 5<sup>th</sup> Street on the East Side and the West Side. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Bowman and Wassinger. No-None. Absent-Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 11

7:37 p.m. Motion by Jenkins, seconded by Tesarek to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

Attest:

/s/Sandra J. Meyer, City Clerk