

PLATTSMOUTH CITY COUNCIL

May 4, 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 May 4, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Mike Bowman, Terry Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer 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.

The Pledge of Allegiance was recited.

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 Delegation

CONSENT AGENDA:

Motion by Bowman, seconded by Tilson to approve all Consent Agenda items as listed:

- A Approval of April 25, 2009 City Council Special Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for June 6, 2009 for a Fund Raiser at St. John's Catholic School, 500 South 18<sup>th</sup> Street, Plattsmouth from 12:00 p.m. to 12:00 a.m.
- C Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for July 11, 2009 for a Class Reunion at St. John's Catholic School, 500 South 18<sup>th</sup> Street, Plattsmouth from 12:00 p.m. to 12:00 a.m.
- D Consider the request of the Main Street Association to close Main Street from 3<sup>rd</sup> Street to 6<sup>th</sup> Street on June 19, 2009 from 4:00 p.m. to 9:30 p.m. for an event "Motorcycles on Main"
- E Consider a request to conduct an employee and elected officials recognition event on a date yet to be determined, with costs of such recognition not to exceed twenty-five (\$25) dollars per person
- F Consider approval of claims

DATE 5/01/2009

CITY OF PLATTSMOUTH

PAGE

1

CLAIMS REGISTER REPORT  
01 GENERAL ADMINISTRATION

AMERICAN FAMILY LIFE ASS	24.10
AMERITAS LIFE INSURANCE	7,340.53
BLUE CROSS BLUE SHIELD	25,085.44

EMC NATIONAL LIFE COMPAN	98.65
FRATERNAL ORDER OF POLIC	210.00
MUTUAL OF OMAHA	628.58
PLATTSMOUTH STATE BANK	1,545.84
THE UNION CENTRAL LIFE I	155.02
UNITED STATES LIFE INSUR	95.40
GENERAL ADMINISTRATION	
ADVANCED OFFICE AUTOMATI	95.54
BLUE CROSS BLUE SHIELD	1,185.44
BOMGAARS SUPPLY	13.19
D & D LASER INC	294.80
DELTA DENTAL PLAN	297.00
DES MOINES STAMP MFG. CO	14.00
FIRST BANKCARD	635.81
HIGGINS HARDWARE	44.48
KENNEDY STORAGE	50.00
MICROFILM IMAGING SYSTEM	756.00
NEBRASKA PUBLIC POWER DI	131.86
NEBRASKA UNEMPLOYMENT CO	6,116.03
NEXTEL PARTNERS	120.13
PAYLESS OFFICE PRODUCTS	59.95
PLATTSMOUTH STATE BANK	220.00
RDG PLANNING & DESIGN	2,919.06
THE COLUMBUS TELEGRAM	185.79
UNIVERSITY NEBRASKA LINC	230.00
WELLS FARGO FINANCIAL LE	177.49
HUMANE/CODE ENFORCEMENT	
NEBRASKA HUMANE SOCIETY	70.00
NEXTEL PARTNERS	57.21
RESCUE SQUAD	
BOUND TREE MEDICAL LLC	270.04
C & L CLEANING	400.00
COMMUNICATIONS PRODUCTS	115.00
FASTENAL COMPANY	69.75
KIM CLARK	287.03
LINWELD	461.17
OFE OIL INC.	965.63
WESTHOST	169.80
ZOLL MEDICAL CORPORATION	725.00
POLICE DEPARTMENT	
CASS COUNTY SHERIFF	6,380.00
DELTA DENTAL PLAN	671.20
WARGA BROADCASTING LLC	600.00
STREET DEPARTMENT	
BARNES DISTRIBUTION	73.50
BLACK HILLS ENERGY	383.32
BOMGAARS SUPPLY	132.21
CONWAY OIL COMPANY	1,076.17

DAFFIN SALES AND SERVICE	192.89
DELTA DENTAL PLAN	286.10
LOGAN CONTRACTORS SUPPLY	47.23
MARK HYDRAULIC CO INC	463.94
MICHAEL TODD & COMPANY I	98.78
NEBRASKA PUBLIC POWER DI	86.48
NEXTEL PARTNERS	142.71
OLMSTED & PERRY ENGINEER	1,295.42
PLATTSMOUTH STATE BANK	57,568.75
PUBLIC LIBRARY	
BIBLIOTHECA INC	827.00
DELTA DENTAL PLAN	118.30
NEBRASKA DEPT OF REVENUE	4.38
PARK & RECREATION	
BLACK HILLS ENERGY	74.24
BOMGAARS SUPPLY	117.19
DIAMOND VOGEL PAINT CENT	213.50
IOWA PRISON INDUSTRIES	79.05
JOHN DEERE CREDIT	1,559.55
LOGAN CONTRACTORS SUPPLY	68.85
MENARDS	2,598.99
MICHAEL TODD & COMPANY I	34.50
NEBRASKA PUBLIC POWER DI	79.71
CEMETARY	
BOMGAARS SUPPLY	19.89
DELTA DENTAL PLAN	49.50
IOWA PRISON INDUSTRIES	197.32
NEBRASKA PUBLIC POWER DI	42.07
NEXTEL PARTNERS	18.09
FIRE DEPARTMENT	
FORT DEARBORN LIFE INSUR	151.36
HIGGINS HARDWARE	10.79
MOTOROLA	246.00
MULLENAX AUTO SUPPLY	14.82
P&W	260.50
PLATTSMOUTH STATE BANK	20.00
SHAUN DILLION	47.97
SENIOR CITIZEN CENTER	
ALLTEL	44.92
FOUR STAR LAUNDRY	156.08
COMMUNITY CENTER	
BLACK HILLS ENERGY	2,343.26
BLUE DEVIL SPORTING GOOD	1,094.00
BOMGAARS SUPPLY	43.46
CHARTER BUSINESS	86.43
CHECKFREE SERVICES CORPO	2,250.00
CIT TECHNOLOGY	12.65
DELTA DENTAL PLAN	30.20CR

DIAMOND VOGEL PAINT CENT	22.95		
EDISON CHOI	90.00		
FOUR STAR LAUNDRY	71.76		
JEN RUDNICK	75.00		
MICHAEL ANZALONE	240.00		
NEBRASKA DEPT OF REVENUE	2,444.54		
NEXTEL PARTNERS	46.93		
NO FRILLS SUPERMARKETS	51.69		
RONNIE BECKWITH	75.00		
SHARI BARRIES	105.00		
AQUATIC			
AQUA CHEM INC	432.83		
BOMGAARS SUPPLY	18.99		
ECONOMIC DEVELOPMENT			
PLATTSMOUTH STATE BANK	42,826.66		
DEBT SERVICE			
PLATTSMOUTH STATE BANK	159,789.38		
CEMETARY - LOT & IMPROVEMENT			
CITY TREASURER	25,000.00		
WATER DEPARTMENT			
DELTA DENTAL PLAN	126.70		
ECHO GROUP INC	2,475.93		
MICROFILM IMAGING SYSTEM	337.68		
NEXTEL PARTNERS	142.70		
09 SEWER DEPARTMENT			
AMERITAS LIFE INSURANCE	503.06		
BLUE CROSS BLUE SHIELD	2,122.32		
EMC NATIONAL LIFE COMPAN	196.62		
MUTUAL OF OMAHA	18.96		
UNITED STATES LIFE INSUR	18.40		
SEWER DEPARTMENT			
DELTA DENTAL PLAN	148.50		
MICROFILM IMAGING SYSTEM	166.32		
PAYROLL CLAIMS	88,293.07		
09 SEWER DEPARTMENT			
	EXPENDED	LIQUID	ACCRUAL
GRAND TOTALS	460,514.62		
GRAND TOTALS	460,514.62		

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

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the public interest in regard to an Escrow Agreement between Castaway Pointe LLC, First Nebraska Title and Escrow, and the City of Plattsmouth for the purpose of holding and disbursing funds to pay for installation of public improvements at Castaway Pointe Estates and Castaway Pointe

Villas with said improvements to be completed no later than August 1, 2009; authorize the Mayor to execute the Escrow Agreement; and to make demand in the amount of \$377,300.00 on the Omaha State Bank Irrevocable Letter of Credit dated April 15, 2008 with an expiration date of April 15, 2009 as amended by the Irrevocable Letter of Credit Extension Agreement dated April 15, 2009 with an expiration date of May 15, 2009 in the event that the Escrow Agreement is not executed by all parties and funded by 5:00 p.m., Monday, May 11, 2009. 7:03 p.m. Motion by Tesarek, seconded by Porter to convene in Executive Session to protect the public interest in regard to an Escrow Agreement between Castaway Pointe LLC, First Nebraska Title and Escrow, and the City of Plattsmouth for the purpose of holding and disbursing funds to pay for installation of public improvements at Castaway Pointe Estates and Castaway Pointe Villas with said improvements to be completed no later than August 1, 2009; authorize the Mayor to execute the Escrow Agreement; and to make demand in the amount of \$377,300.00 on the Omaha State Bank Irrevocable Letter of Credit dated April 15, 2008 with an expiration date of April 15, 2009 as amended by the Irrevocable Letter of Credit Extension Agreement dated April 15, 2009 with an expiration date of May 15, 2009 in the event that the Escrow Agreement is not executed by all parties and funded by 5:00 p.m., Monday, May 11, 2009. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Executive Session was to protect the public interest in regard to an Escrow Agreement between Castaway Pointe LLC, First Nebraska Title and Escrow, and the City of Plattsmouth for the purpose of holding and disbursing funds to pay for installation of public improvements at Castaway Pointe Estates and Castaway Pointe Villas with said improvements to be completed no later than August 1, 2009; authorize the Mayor to execute the Escrow Agreement; and to make demand in the amount of \$377,300.00 on the Omaha State Bank Irrevocable Letter of Credit dated April 15, 2008 with an expiration date of April 15, 2009 as amended by the Irrevocable Letter of Credit Extension Agreement dated April 15, 2009 with an expiration date of May 15, 2009 in the event that the Escrow Agreement is not executed by all parties and funded by 5:00 p.m., Monday, May 11, 2009.

7:19 p.m. Motion made by Tesarek, seconded by Tilson to reconvene in to regular session. MOTION CARRIED.

#### UNFINISHED BUSINESS

##### ITEM 7 A

Motion by Jenkins, seconded by Wassinger to approve an Escrow Agreement between Castaway Pointe LLC, First Nebraska Title and Escrow, and the City of Plattsmouth for the purpose of holding and disbursing funds to pay for installation of public improvements at Castaway Pointe Estates and Castaway Pointe Villas with said improvements to be completed no later than August 1, 2009; authorize the Mayor to execute the Escrow Agreement; and authorize the demand of funds in the amount of \$377,300.00 on the Omaha State Bank Irrevocable Letter of Credit dated April 15, 2008 with an expiration date of April 15, 2009 as amended by the Irrevocable Letter of Credit Extension Agreement dated April 15, 2009 with an expiration date of May 15, 2009 in the event that the Escrow Agreement is not executed by all parties and funded by 5:00 p.m., Monday, May 11, 2009, all which is non-negotiable. After discussion the Mayor ask for ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

NEW BUSINESS

ITEM 8 A

Brian Paulsen, Chief of Police presented information on Nuisance Enforcement plans, proposed and changes, and budget implications. Chief Paulsen stated that on Mondays, Wednesdays and Fridays the officers will be focusing on the properties North of Main Street and on Tuesdays, Thursdays and Saturdays they will be focusing on the properties South of Main Street. At this time there are four issues that they will be looking at: Trash; Grass and Weeds; Junk Vehicles; and House Numbers. Their number one goal is voluntary compliance.

ITEM 8 B

Motion by Wassinger seconded by Tesarek to adopt Resolution No. 09-012:

**RESOLUTION No. 09-012**

**WHEREAS**, the Nebraska Department of Economic Development (NDED) Certified Communities Program is designed to: provide communities with a specific checklist of items that define proactive communities; identify communities with meaningful economic development agendas and capabilities increasing their opportunities for success; recognize community organizational infrastructure readiness and ability to respond to existing and prospective business and industry needs; and, encourage strategic cooperation among Nebraska's economic development organizations;

**WHEREAS**, the Mayor and City Council of Plattsmouth desire to signal to NDED and beyond that Plattsmouth, in concert with its economic development partners, possesses the dedication, leadership, and vision for growing and attracting new jobs and people.

**WHEREAS**, Plattsmouth and its economic development partners have designated the Cass County Nebraska Economic Development Council as its lead economic development agency within the region;

**WHEREAS**, Plattsmouth and its economic development partners have collectively conducted proper self-assessment, visioning, planning and through those actions have taken the steps necessary to prepare the Certified Ready for Economic Development application to the Nebraska Department of Economic Development;

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PLATTSMOUTH** that the City Council endorses and supports the Certified Ready for Economic Development application to the Nebraska Department of Economic Development.

**PASSED AND APPROVED** this \_\_\_\_\_ day of May 2009.

/s/R. Paul Lambert, Mayor


ATTEST:

/s/Sandra J. Meyer, City Clerk


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

ITEM 11

7:58 p.m. Motion made by Jenkins seconded by Tesarek to adjourn. MOTION CARRIED.

  
\_\_\_\_\_  
R. Paul Lambert, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra J. Meyer, City Clerk