

PLATTSMOUTH CITY COUNCIL
August 17, 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 August 17, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry D. Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Also present: City Administrator Erv 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.

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

MAYOR PROCLAMATION

The Mayor had no proclamations

CONSENT AGENDA:

Motion by Wassinger, seconded by Tilson to approve all Consent Agenda items as listed.

- A Approval of August 10, 2009 Special City Council Meeting Minutes
- B Consider moving the next regularly scheduled City Council meeting to Tuesday, September 8, 2009, 7:00 p.m. at City Hall due to the Labor Day Holiday
- C Consider request of the Plattsmouth Fire Department to close North 5th Street from the east/west alley at the south wall of the Fire Station north to Avenue B on Saturday, September 12, 2009 from 8:00 a.m. to Midnight for the Annual Kass County King Korn Karnival Festivities
- D Consider request of the Korn Klub for amended street closings for the Kass County King Korn Karnival From September 10-13, 2009 (Complete listing is attached and made part of the agenda)
- E Consider the closing of North 5th Street from Avenue A south ½ block to the alley on August 22, 2009 from 1:00 p.m. to 4:00 p.m. for the dedication of the Charles Wondra Memorial at City Hall
- F Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 7/31/09 not Net as before.

General Admin 11,999.19

Humane Dept 810.00

Police Dept 3,013.69

Street Dept 10,447.83

Public Library 5,968.42

Parks 1,654.25

Oakhill Cemetery 2,199.09

Community Center 11,379.45

Senior Center 1,807.26

Pool 9,111.86

Payroll Sewer Dept. 4,143.99

Payroll Water Dept. 7,160.17

TOTAL SALARIES 97,695.20

VARIOUS

AMERITAS LIFE INSURANCE 6,996.97

PLATTSMOUTH STATE BANK 1,545.84

GENERAL ADMINISTRATION

BLACK HILLS ENERGY 44.92

CHARTER BUSINESS 40.00

D & D LASER INC 436.70

GROSS & WELCH PC LLO 3,621.21

MEESKE ACE HARDWARE 61.24

MENARDS 49.92

MR LANDSCAPE NURSERY 310.61

NEBRASKA PUBLIC POWER DI 713.84

OLMSTED & PERRY ENGINEER 674.73

PAPILLION SANITATION 45.08

PAYLESS OFFICE PRODUCTS 56.04

PLATTSMOUTH CITY LIBRARY 108.75

PLATTSMOUTH READY MIX IN 522.64

RASMUSSEN LAWN SOLUTIONS 455.00

SAM'S 35.00

THE COLUMBUS TELEGRAM 589.94

WINDSTREAM 574.55

HUMANE/CODE ENFORCEMENT

J P COOKE COMPANY	117.81
NEBRASKA PUBLIC POWER DI	103.74
PLATTSMOUTH VOLUNTEER RE	348.50
SUE BAKER	43.77

RESCUE SQUAD

BLUE CROSS BLUE SHIELD	478.45
CITY TREASURER	148.82
NEBRASKA PUBLIC POWER DI	251.08
WINDSTREAM	116.89

POLICE DEPARTMENT

ALAMAR UNIFORMS	495.10
CASS COUNTY SHERIFF	3,509.00
GENE'S SERVICE & SPORTS	21.35
LINDER TIRE & AUTO INC	15.00
MULLENAX AUTO SUPPLY	30.90
NEBRASKA COMMISSION ON L	50.00
NEXTEL PARTNERS	340.01
OMAHA POLICE FEDERAL CRE	54.17
PITNEY BOWES PURCHASE PO	173.54
WARGA BROADCASTING LLC	300.00
WINDSTREAM	372.95

STREET DEPARTMENT

DIAMOND VOGEL PAINT CENT	4,101.50
FASTENAL COMPANY	21.71
IMPACT MANUFACTURING	121.68
IOWA PRISON INDUSTRIES	999.00
MARTIN MARIETTA AGGREGAT	542.36
MULLENAX AUTO SUPPLY	487.49
NEBRASKA PUBLIC POWER DI	5,621.47
OMAHA COMPOUND COMPANY	4,101.50
PAPILLION SANITATION	109.28
WINDSTREAM	106.53

PUBLIC LIBRARY

BAKER & TAYLOR BOOKS	2,790.72
CENTER POINT LARGE PRINT	229.44
CHARTER BUSINESS	49.96
DEMCO	281.13

FIRST BANKCARD 1642.37

HIGGINS HARDWARE	41.26
IKON OFFICE SOLUTIONS	412.15
JOHN'S APPLIANCE	109.00
MR LANDSCAPE NURSERY	80.00
NEBRASKA DEPT OF REVENUE	.97

NEBRASKA PUBLIC POWER DI	976.31
PAMIDA DISCOUNT CENTER	30.97
PAYLESS OFFICE PRODUCTS	196.54
POLARIS LIBRARY SYSTEMS	598.78
SAMUEL FRENCH INC	181.17
WINDSTREAM	123.23

PARK & RECREATION

CITY TREASURER	19.14
DIAMOND VOGEL PAINT CENT	239.51
HIGGINS HARDWARE	90.80
LINDER TIRE & AUTO INC	12.00
MENARDS	2.98
MULLENAX AUTO SUPPLY	96.24
NEBRASKA PUBLIC POWER DI	157.44
OMAHA COMPOUND COMPANY	531.14CR
PAPILLION SANITATION	84.24
PROFESSIONAL WASTE WATER	140.00
WILES BROS. INC.	422.07
WINDSTREAM	49.97

CEMETARY

BLACK HILLS ENERGY	17.10
MULLENAX AUTO SUPPLY	11.16
PAYLESS OFFICE PRODUCTS	31.24
WINDSTREAM	75.38

FIRE DEPARTMENT

ALAMAR UNIFORMS	325.59
BEAVER LAKE MARINA	360.02
D & D COMMUNICATIONS INC	168.75
IDEAL PURE WATER	72.00
MAIN STREET JEWELERS	19.17
NEBRASKA PUBLIC POWER DI	251.07
SAM'S	35.00
TRI-MUTUAL AID FIREFIGHT	150.00
WINDSTREAM	116.89

SENIOR CITIZEN CENTER

FOUR STAR LAUNDRY	14.18
MULLENAX AUTO SUPPLY	10.84
PAYLESS OFFICE PRODUCTS	61.98
SHORT STOP	66.39
THE COLUMBUS TELEGRAM	126.00
THE THOMPSON COMPANY	1,172.89
WINDSTREAM	126.18

COMMUNITY CENTER

CAROL FADKE	100.00
CIT TECHNOLOGY	339.00
CITY TREASURER	185.95
FISERV	562.50
FITNESS PRO PLUS	1,325.25
JEN RUDNICK	50.00
MAIN STREET JEWELERS	26.20
MEESKE ACE HARDWARE	20.80
MICHAEL ANZALONE	240.00
NEBRASKA DEPT OF REVENUE	1,804.47
NEBRASKA PUBLIC POWER DI	7,430.51
PAMIDA DISCOUNT CENTER	17.94
PAPILLION SANITATION	80.56
PLATTSMOUTH CITY LIBRARY	236.53
RONNIE BECKWITH	50.00
SAM'S	507.72
SHARI BARRIES	490.00
WINDSTREAM	378.56

AQUATIC

GALVIN GLASS	139.86
HIGGINS HARDWARE	16.73
NEBRASKA PUBLIC POWER DI	2,410.11
PAPILLION SANITATION	115.44
PEPSI COLA	512.50
SAM'S	42.56
THE THOMPSON COMPANY	6,539.09

ECONOMIC DEVELOPMENT

CITY TREASURER	4,535.23
FREMONT NAT'L BANK & TRU	8,553.75

DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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WATER DEPARTMENT

AUGGIE'S PERFORMANCE SHO	457.77
BLACK HILLS ENERGY	34.22
BOMGAARS SUPPLY	142.79
CENTRAL TRANSPORTATION S	1,638.04
CITY TREASURER	11,477.48
COMPUTERS TO GO	29.95
DHHS	5,780.00
DIAMOND VOGEL PAINT CENT	350.00
DUGAN BUSINESS FORMS	80.00
GREAT PLAINS ONE CALL SE	45.00
HAWKINS INC	1,686.01

HD SUPPLY WATERWORKS LTD	618.69
HDR ENGINEERING INC	15,233.03
IMPACT MANUFACTURING	296.80
INDUSTRIAL ELECT MOTORS	1,145.94
LINDER TIRE & AUTO INC	20.00
MISSISSIPPI LIME COMPANY	3,135.00
NEBRASKA PUBLIC HEALTH E	95.00
NEBRASKA PUBLIC POWER DI	8,719.69
NMC EXCHANGE LLC	46.98
O'REILLY AUTOMOTIVE INC	65.84
OMAHA COMPOUND COMPANY	350.00
PAYLESS OFFICE PRODUCTS	119.79
PLATTSMOUTH COLLISION RE	150.51
PLATTSMOUTH READY MIX IN	429.33
SARGENT DRILLING	19,570.84
STEUBE'S THRIFTWAY	2.33
USA BLUEBOOK	64.72
UTILITY EQUIPMENT COMPAN	2,132.74
WATER DEPARTMENT-PETTY C	376.22
WINDSTREAM	162.48

SEWER DEPARTMENT

AMERITAS LIFE INSURANCE	497.28
BLACK HILLS ENERGY	63.15
BOMGAARS SUPPLY	130.04
CITY TREASURER	49,627.60
DPC INDUSTRIES INC	825.55
DUGAN BUSINESS FORMS	80.00
GENERAL FIRE & SAFETY	173.00
GREAT PLAINS ONE CALL SE	45.00
HDR ENGINEERING INC	8,375.94
LINDER TIRE & AUTO INC	517.95
MICHAEL TODD & COMPANY I	58.80
MIDWEST LABORATORIES INC	475.50
MUNICIPAL SERVICE & SUPP	119.90
NEBRASKA PUBLIC POWER DI	2,981.08
OFE OIL INC.	23.96
PAPILLION SANITATION	32.41
UTILITY EQUIPMENT COMPAN	334.73
WILES BROS. INC.	69.93
WINDSTREAM	67.59

Total Claims 233,930.53

Total Salaries and Claims 331,625.73

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

UNFINISHED BUSINESS

ITEM 8 A

City Administrator, Ervin Portis stated that at this time the construction at Castaway Pointe is coming in under budget and that all infrastructure is progressing and should be done relatively soon and that he recommends laying this item over until the next Council meeting. Motion by Kerns, seconded by Bowman to lay this issue over to the next scheduled meeting of the Plattsmouth City Council. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Motion by Jenkins, seconded by Wassinger to move Item 11 E between Items 8 A and 8 B. On a voice vote MOTION CARRIED.

ITEM 11 E

Steve Perry, Olmsted & Perry Consulting Inc. reviewed the bids for the painting of the One (1) Million Gallon Water Tank. Mr. Perry recommended the contract award to W.S. Bunch in the amount of \$45,000.00, which is the lowest bid. Wassinger questioned the size of the seal to be painted on the tower and at approximately what distance would you be able to distinguish the detail of the seal. Perry stated that it would only be legible when driving directly by the tower-that from much of a distance it would just look like a brown circle. Motion by Wassinger, seconded by Tilson to award the lump sum base bid to W. S. Bunch in the amount of \$45,000.00 and direct Steve Perry, Olmsted & Perry Consulting Inc. to research the expense to change the style of the lettering and the color and report back to the council at the next meeting as to any additional expenses. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Council Member Wassinger introduced a Resolution numbered and titled: **RESOLUTION NO. 09-020 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO HAVE PLACED ON THE BALLOT AT A SPECIAL ELECTION OF THE VOTERS OF THE CITY THE QUESTIONS OF WHETHER THE CITY SHOULD INCREASE THE SALES AND USE TAX OF 1% BY .5% FOR A TOTAL SALES AND USE TAX OF 1.5% WITH SPECIFIED USES AND WHETHER THE CITY SHOULD REMOVE THE LIMITATION ON THE DURATION OF THE CITY'S SALES AND USE TAX.**

Motion by Wassinger, seconded by Derby to adopt Resolution No. 09-020 with the addition of the correct language for the situation of Proposition No. 1 is not approved and Proposition No. 2 is approved:

RESOLUTION NO. 09-020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO HAVE PLACED ON THE BALLOT AT A SPECIAL ELECTION OF THE VOTERS OF THE CITY THE QUESTIONS OF WHETHER THE CITY SHOULD INCREASE THE SALES AND USE TAX OF 1% BY .5% FOR A TOTAL SALES AND USE TAX OF 1.5% WITH SPECIFIED USES AND WHETHER THE CITY SHOULD REMOVE THE LIMITATION ON THE DURATION OF THE CITY'S SALES AND USE TAX.

WHEREAS, the Local Option Revenue Act allows cities to impose a sales and use tax if, at an election, a majority of the qualifying electors approve the tax;

WHEREAS, a resolution imposing a sales and use tax of 1% was approved by the voters of Plattsmouth, Nebraska on May 14, 2002 and adopted by the City Council pursuant to Ordinance No. 1677;

WHEREAS, said sales tax was divided one-half to property tax relief and one-half to economic development;

WHEREAS, the Mayor and City Council have deemed it in the best interest of the citizens of Plattsmouth to consider an increase in the sales tax to 1.5% for specified uses and to remove the limitation on the duration of the sales and use tax;

WHEREAS, it is in the best interest of the City to present the question of increasing the sales and use tax and removing limitation on the duration of the sales tax to the duly qualified electors of the City at a special election held for such purpose on November 10, 2009, which is the first Tuesday following the second Monday in November of 2009;

WHEREAS, if neither proposition is approved, the City's sales and use tax will not change;

WHEREAS, if Proposition 1 is approved, and Proposition 2 is not approved, the current sales and use tax will increase to 1.5% with one-third of the revenues used for real property tax relief, one-third used for economic development and one-third used for sidewalk and street improvements and maintenance, but the limitation on the duration of the sales and use tax will not change.

WHEREAS, if Propositions 1 and 2 both are approved, the total sales and use tax will increase to 1.5% with one-third of the revenues used for real property tax relief, one-third used for economic development and one-third used for sidewalk and street improvements and maintenance, and the limitation on the duration of the sales and use tax will be removed.

WHEREAS, if Proposition 1 is not approved and Proposition 2 is approved, the total sales and use tax will remain at 1% and the limitation on the duration of the current sales and use tax will be removed.

NOW, THEREFORE, BE IT RESOLVED that the following ballot questions be submitted to the qualified electors at a special election called on November 10, 2009, which is the first Tuesday following the second Monday in November of 2009:

(FORM OF BALLOT)

SALES AND USE TAX

STATE OF NEBRASKA
CITY OF PLATTSMOUTH
OFFICIAL BALLOT
SPECIAL ELECTION - NOVEMBER 10, 2009

VOTE ON BOTH PROPOSITIONS

PROPOSITION NO. 1

"SHALL THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, INCREASE THE CITY SALES AND USE TAX FROM 1% TO 1.5% UPON THE SAME TRANSACTIONS WITHIN THE CITY ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, WITH ONE-THIRD OF THE REVENUES USED FOR REAL PROPERTY TAX RELIEF, ONE-THIRD OF THE REVENUES USED FOR ECONOMIC DEVELOPMENT AND ONE-THIRD OF THE REVENUES USED FOR SIDEWALK AND STREET IMPROVEMENTS AND MAINTENANCE?"

VOTE FOR or AGAINST

FOR said increase in the sales and use tax for the purposes identified in Proposition No. 1.

AGAINST said increase in the sales and use tax as set forth in Proposition No. 1.

Voters desiring to vote in favor of the proposition shall darken the oval opposite the words "FOR said increase in the sales and use tax for the purposes identified in Proposition No. 1."

Voters desiring to vote against the proposition shall darken the oval opposite the words "AGAINST said increase in the sales and use tax as set forth in Proposition No. 1."

PROPOSITION NO. 2

"SHALL THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA REMOVE THE LIMITATION ON THE DURATION OF THE CITY'S SALES AND USE TAX UPON THE SAME TRANSACTIONS WITHIN THE CITY ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX?"

VOTE FOR or AGAINST

- FOR the removal of the limitation on the duration of the City's sales and use tax.
- AGAINST the removal of the limitation on the duration of the City's sales and use tax.

Voters desiring to vote in favor of the proposition shall darken the oval opposite the words "FOR the removal of the limitation on the duration of the City's sales and use tax."

Voters desiring to vote against the proposition shall darken the oval opposite the words "AGAINST the removal of the limitation on the duration of the City's sales and use tax."

3. The Mayor is directed to proclaim and give notice that at such special election to be held in the City on Tuesday, November 10, 2009, there will be submitted to the qualified electors of the City, for adoption or rejection, the propositions regarding the sales and use tax.

4. The City Clerk, pursuant to *Neb. Rev. Stat. § 77-27,142.04*, shall cause the notice of said election which is attached hereto as Exhibit "A" and made a part hereof to be published one time in the *Plattsmouth Journal*, specifically on October 22, 2009, which is not more than thirty days nor less than ten days prior to the election, and to publish such other notices as are required by the election laws of this State as determined by the Cass County Election Commissioner.

5. The special election will be held by mail in compliance with *Neb. Rev. Stat. §§ 32-952 through -959*.

6. The City Clerk is further directed to provide a certified copy of this resolution to the Election Commissioner of Cass County, Nebraska not later than August 28, 2009, and to procure the necessary ballots and make all other necessary arrangements for the same.

7. The City shall be and hereby is authorized to pay to the Election Commissioner the cost of such election as authorized by Nebraska law.

PASSED AND APPROVED this 17TH day of August 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

APPROVED AS TO FORM AND LEGALITY:

/s/Roger K. Johnson, City Attorney

EXHIBIT "A"

NOTICE OF SALES AND USE TAX SPECIAL ELECTION
CITY OF PLATTSMOUTH, NEBRASKA
November 10, 2009

Public Notice is given to the qualified electors of the City of Plattsmouth, Nebraska that pursuant to a Resolution passed by the Mayor and City Council of the City of Plattsmouth, Nebraska, a special election, by mail pursuant to *Neb. Rev. Stat. §§ 32-952 through -959*, shall be held in the City on November 10, 2009 at which there shall be submitted to the qualified electors of the City of Plattsmouth the following propositions:

PROPOSITION NO. 1

"SHALL THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, INCREASE THE CITY SALES AND USE TAX FROM 1% TO 1.5% UPON THE SAME TRANSACTIONS WITHIN THE CITY ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, WITH ONE-THIRD OF THE REVENUES USED FOR REAL PROPERTY TAX RELIEF, ONE-THIRD OF THE REVENUES USED FOR ECONOMIC DEVELOPMENT AND ONE-THIRD OF THE REVENUES USED FOR SIDEWALK AND STREET IMPROVEMENTS AND MAINTENANCE?"

VOTE FOR or AGAINST

- FOR said increase in the sales and use tax for the purposes identified in Proposition No. 1.
- AGAINST said increase in the sales and use tax as set forth in Proposition No. 1.

Voters desiring to vote in favor of the proposition shall darken the oval opposite the words "FOR said increase in the sales and use tax for the purposes identified in Proposition No. 1."

Voters desiring to vote against the proposition shall darken the oval opposite the words "AGAINST said increase in the sales and use tax as set forth in Proposition No. 1."

PROPOSITION NO. 2

"SHALL THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA REMOVE THE LIMITATION ON THE DURATION OF THE CITY'S SALES AND USE TAX UPON THE SAME TRANSACTIONS WITHIN THE CITY ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX?"

VOTE FOR or AGAINST

- FOR the removal of the limitation on the duration of the City's sales and use tax.

AGAINST the removal of the limitation on the duration of the City's sales and use tax.

Voters desiring to vote in favor of the proposition shall darken the oval opposite the words "FOR the removal of the limitation on the duration of the City's sales and use tax."

Voters desiring to vote against the proposition shall darken the oval opposite the words "AGAINST the removal of the limitation on the duration of the City's sales and use tax."

SUMMARY OF THE INTERRELATIONSHIP BETWEEN PROPOSITIONS 1 AND 2

If neither proposition is approved by a majority of the votes cast, the City's sales and use tax will not change.

If Proposition No. 1 is approved, and Proposition No. 2 is not approved, then the Mayor and City Council shall be empowered to increase the current sales and use tax to 1.5% with one-third of the revenues used for real property tax relief, one-third used for economic development and one-third used for sidewalk and street improvements and maintenance, but the limitation on the duration of the sales and use tax will not change.

If Propositions Nos. 1 and 2 both are approved, then the Mayor and City Council shall be empowered to increase the total sales and use tax to 1.5% with one-third of the revenues used for real property tax relief, one-third used for economic development and one-third used for sidewalk and street improvements and maintenance, and the limitation on the duration of the sales and use tax will be removed.

If Proposition 1 is not approved and Proposition 2 is approved, the total sales and use tax will remain at 1% and the limitation on the duration of the current sales and use tax will be removed.

BY-MAIL ELECTION

This election will be an election by mail. All registered voters residing within the City of Plattsmouth will be mailed a ballot on the same day. Ballots will be mailed by the Cass County Election Commissioner between October 21 and October 30, 2009.

VOTER REGISTRATION DEADLINES

The deadline to register to vote at an agency, with a deputy registrar, or by mail is October 23, 2009. The deadline for in-person registration at the Cass County Election Commissioner's office is October 30, 2009 until 6:00 p.m.

EARLY VOTING DEADLINES

Ballots shall be available for Early Voting no later than October 26, 2009, and until the day ballots are mailed out to the voters. Applications for an early voting ballot by mail are located on the Cass County Election Commissioner's website, <http://www.cassne.org/electcomm.html>.

REPLACEMENT BALLOT

The Cass County Election Commissioner will provide replacement ballots to voters who sign a statement and verify by oath that his/her mailed ballot was destroyed, spoiled, lost, or not received. The deadline for the replacement request by mail is November 4, 2009, at 5:00 p.m. The deadline for the replacement request if submitted in person is November 10, 2009, 12:00 p.m.

BALLOT RETURN DEADLINE

Voted ballots must be returned to the Cass County Election Commissioner no later than 5:00 p.m. on Tuesday, November 10, 2009. Ballots may be mailed or delivered to the Cass County Election Commissioner.

CASS COUNTY ELECTION COMMISSIONER INFORMATION

Address: 145 No. 4th Street, Room 201

Location: Plattsmouth NE 68048-1964

Phone: (402) 296-9309

Fax: (402) 296-9509

Website: <http://www.cassne.org/electcomm.html>

E-Mail: election@cassne.org

Office Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays

BY ORDER OF THE MAYOR AND CITY COUNCIL OF SAID CITY.

/s/ Sandra J. Meyer, City Clerk

Council Member Jenkins expressed his concern that the language should be more specific in making reference to the Streetscape. After further discussion, City Attorney Roger Johnson read the Resolution in to the record. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Tesarek. No-Jenkins. Absent-None. Abstain-None. MOTION CARRIED.

7:30 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:31 p.m. to hear any comments on the Imposition of a special assessment on real estate at 1416 Main Street legally described as PLATTS-YOUNG & HAYS LOT 4 & W5' OF LOT 5 BLK 26 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 2002. Police Chief Brian Paulsen reviewed the Code Enforcement Notice process and stated that the Police Department has had several conversations with former tenants at the listed address. Chief Paulsen presented Mayor Lambert with documentation of events leading to the clean-up

of the property listed above and marked the document as Exhibit #1. The Mayor closed the public hearing at 7:35 p.m.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:35 p.m. to hear any comments on the Imposition of a special assessment on real estate at 1424 2nd Avenue legally described as PLATTS-DUKES ADD S76' OF LOTS 3 & 4 BLK 24 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 2002. Chief Paulsen state that the property owner is living at the residence on the property listed above, Code Enforcement has been dealing with the property since 2005 and he refuses to comply with the Code Enforcement Notices. Chief Paulsen presented Mayor Lambert with documentation of events leading to the clean-up of the property listed above and marked the document as Exhibit #2. The Mayor closed the public hearing at 7:43 p.m.

ITEM 9 C

Pursuant to publication, the Mayor opened the public hearing at 7:43 p.m. to hear any comments on the Imposition of a special assessment on real estate at 810 4th Avenue legally described as PLATTSMOUTH-ORIG TOWN LOT 1- BLK 58 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 2002. Chief Paulsen stated that the property owner purchased the property for her daughter and her daughter did not want it. Paulsen then reviewed the bills: one for lawn service and one for clean-up of waste/materials on the property. The Mayor closed the public hearing at 7:48 p.m.

7:48 p.m. RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

NEW BUSINESS

ITEM 11 A

Council Member Kerns introduced a Resolution numbered and titled: **RESOLUTION NO. 09-021 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE CITY CLERK TO FILE WITH THE CASS COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT 1416 MAIN STREET, AND IN THE AMOUNT OF \$175.00.**

Motion by Kerns, seconded by Bowman to adopt Resolution No. 09-021:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE CITY CLERK TO FILE WITH THE CASS COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION, AND IN AMOUNT, STATED HEREIN.

WHEREAS, the property owner of 1416 Main Street was notified to clean up said property which was in violation of the City of Plattsmouth Revised Municipal Ordinance 2002 or that the City

would conduct the clean up and charge the property accordingly; and

WHEREAS, the owner of said property chose not to clean up the property which necessitated the City to complete the cleanup at a cost of \$175.00;

WHEREAS, the City sent the property owner a bill for said clean up which has not been paid; and

WHEREAS the City may file a Special Assessment for Improvements against said property for which the City provided clean up services for which it has billed and has not been paid.

NOW, THEREFORE BE, IT RESOLVED, by the City Council that the Plattsmouth City Clerk is hereby authorized to file, with the Cass County Treasurer, a Special Assessment for Improvements in the amount of \$175.00 against the property legally described as PLATTS-YOUNG & HAYS LOT 4 & W5' OF LOT 5 BLK 26.

PASSED AND APPROVED this 17TH day of August 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-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11 B

Council Member Bowman introduced a Resolution numbered and titled: **RESOLUTION NO. 09-022 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE CITY CLERK TO FILE WITH THE CASS COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT 1424 2nd AVENUE, AND IN THE AMOUNT OF \$800.00.**

Motion by Bowman, seconded by Tilson to adopt Resolution No. 09-022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE CITY CLERK TO FILE WITH THE CASS COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION, AND IN AMOUNT, STATED HEREIN.

WHEREAS, the property owner of 1424 2nd Avenue was notified to clean up said property which was in violation of the City of Plattsmouth Revised Municipal Ordinance 2002 or that the City would conduct the clean up and charge the property accordingly; and

WHEREAS, the owner of said property chose not to clean up the property which necessitated the City to complete the cleanup at a cost of \$800.00;

WHEREAS, the City sent the property owner a bill for said clean up which has not been paid; and

WHEREAS the City may file a Special Assessment for Improvements against said property for which the City provided clean up services for which it has billed and has not been paid.

NOW, THEREFORE BE, IT RESOLVED, by the City Council that the Plattsmouth City Clerk is hereby authorized to file, with the Cass County Treasurer, a Special Assessment for Improvements in the amount of \$800.00 against the property legally described as PLATTS-DUKES ADD S76" OF LOTS 3 & 4 BLK 24.

PASSED AND APPROVED this 17TH day of August 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-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11 C

Council Member Bowman introduced a Resolution number and titled: **RESOLUTION NO. 09-023 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE CITY CLERK TO FILE WITH THE CASS COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT 810 4th AVENUE, AND IN THE AMOUNT OF \$734.00.**

Motion by Bowman, seconded by Tesarek to adopt Resolution No. 09-023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AUTHORIZING THE CITY CLERK TO FILE WITH THE CASS COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION, AND IN AMOUNT, STATED HEREIN.

WHEREAS, the property owner of 810 4th Avenue was notified to clean up said property which was in violation of the City of Plattsmouth Revised Municipal Ordinance 2002 or that the City would conduct the clean up and charge the property accordingly; and

WHEREAS, the owner of said property chose not to clean up the property which necessitated the City to complete the cleanup at a cost of \$734.00;

WHEREAS, the City sent the property owner a bill for said clean up which has not been paid;
and

WHEREAS the City may file a Special Assessment for Improvements against said property for which the City provided clean up services for which it has billed and has not been paid.

NOW, THEREFORE BE, IT RESOLVED, by the City Council that the Plattsmouth City Clerk is hereby authorized to file, with the Cass County Treasurer, a Special Assessment for Improvements in the amount of \$734.00 against the property legally described as PLATTSMOUTH-ORIG TOWN LOT 10 BLK 58.

PASSED AND APPROVED this 17TH day of August 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, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11 D

City Administrator Erv Portis stated that the City has never had a formal or informal agreement with the Plattsmouth Soccer Club for the use of the soccer fields at Rhylander Park. Motion by Wassinger, seconded by Jenkins to approve a Memorandum of Understanding and Agreement between the City Council of Plattsmouth, Nebraska and the Plattsmouth Soccer Club to establish rules, guidelines, fees and agreement for use of soccer fields at Rhylander Park contingent upon the City's receipt of all documents listed in the Memorandum of Understanding and Agreement. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

8:13 p.m. Motion by Tesarek, seconded Jenkins to adjourn. MOTION CARRIED.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk