

PLATTSMOUTH CITY COUNCIL
November 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 November 16, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, 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.

Council President Wassinger 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:

Charles Jones, Executive Director of the Plattsmouth Main Street Association expressed his appreciation for the efforts of the Citizens of Propositions 1 & 2, an organization that coordinated getting information to the citizens of the City of Plattsmouth regarding Propositions 1 & 2. Jones also stated that the passing of Propositions 1 & 2 is an indication that Plattsmouth is on the move.

7:02 p.m. Council Member Kerns arrived.

MAYOR PROCLAMATION

Council President Wassinger read a proclamation proclaiming November 17, 2009 as Fay Jose Day in recognition of Mr. Jose's city involvement and volunteerism.

Council President Wassinger read a proclamation proclaiming the City's thanks and appreciation to the Citizens of Proposals 1 and 2, with particular praise for Charles Jones who spearheaded the campaign.

CONSENT AGENDA:

Motion by Porter, seconded by Jenkins to remove Item B from the Consent Agenda for separate consideration. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Motion by Kerns, seconded by Derby to approve Items A and C as listed on the Consent Agenda:

- A Approval of November 7, 2009 Special City Council Meeting Minutes
- C Consider approval of claims
CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 11/06/09 not Net as before.

General Admin 12,601.50

Humane Dept 810.00

Police Dept 31,845.80

Street Dept 10,402.71

Public Library 6,522.24

Parks 44.00

Oakhill Cemetery 1,381.85

Community Center 10,436.75

Senior Center 1,613.64

Pool

Payroll Sewer Dept. 3,941.32

Payroll Water Dept. 7,518.51

TOTAL SALARIES 87,118.32

VARIOUS

CINTAS CORPORATION #749 27.25

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 105.17

BLACK HILLS ENERGY 456.39

CHARTER BUSINESS 40.00

D & D LASER INC 139.90

DAN'S LAWNCARE 100.00

HEARTLAND TECHNOLOGY SOL 705.60

MICROFILM IMAGING SYSTEM 90.00

NEBRASKA PUBLIC POWER DI 200.82

PAPILLION SANITATION 45.08

PAYLESS OFFICE PRODUCTS 59.89

WINDSTREAM 327.57

HUMANE/CODE ENFORCEMENT

HEARTS UNITED 200.00

MID CON SYSTEMS INC 156.31

NEBRASKA PUBLIC POWER DI 93.43

PAYLESS OFFICE PRODUCTS 77.87

UNITED STATES POST OFFIC	103.95
RESCUE SQUAD	
BOUND TREE MEDICAL LLC	126.03
INDEPENDENT AUTO REPAIR	341.68
TRICARE	28.66
UNMC PHYSICIANS GROUP 3	18.00
WINDSTREAM	105.03
ZOLL MEDICAL CORPORATION	21,091.33
POLICE DEPARTMENT	
CASS COUNTY SHERIFF	3,509.00
GE CAPITAL	1,278.00
LINDER TIRE & AUTO INC	382.00
MIDWEST RADAR & EQUIPMEN	240.00
OCE IMAGISTICS	406.33
OMAHA POLICE FEDERAL CRE	1,395.95
PITNEY BOWES PURCHASE PO	50.00
POLICE PETTY CASH	28.40
WARGA BROADCASTING LLC	300.00
WINDSTREAM	431.39
STREET DEPARTMENT	
CINTAS CORPORATION #749	290.70
FASTENAL COMPANY	118.02
INDEPENDENT AUTO REPAIR	45.25
INTERSTATE ALL BATTERY	149.97
KENZ & LESLIE DISTRIBUTI	72.45
LINDER TIRE & AUTO INC	96.00
MEESKE ACE HARDWARE	14.98
MULLENAX AUTO SUPPLY	282.82
NEBRASKA PUBLIC POWER DI	5,387.88
PAMIDA DISCOUNT CENTER	25.98
PAPILLION SANITATION	109.28
PLATTSMOUTH READY MIX IN	939.22
WINDSTREAM	103.65
PUBLIC LIBRARY	
ACCU CUT SYSTEMS	103.39
AMAZON.COM	17.58
BAKER & TAYLOR ENTERTAIN	3,310.99
BIBLIOTHECA INC	1,454.00
BLACK HILLS ENERGY	70.91
CASSGRAM	18.00
CENTER POINT LARGE PRINT	227.64
CHARTER BUSINESS	40.00
DEMCO	832.16

EBCO SUBSCRIPTION SERVI	87.93
FIRST BANKCARD	592.36
HIGGINS HARDWARE	19.22
IKON OFFICE SOLUTIONS	427.96
LINCOLN JOURNAL-STAR	268.32
NEBRASKA DEPT OF REVENUE	2.46
NEBRASKA PUBLIC POWER DI	546.27
PAYLESS OFFICE PRODUCTS	112.93
PLAYAWAY	135.97
STEPHEN L HUNT	283.35
THE COLUMBUS TELEGRAM	146.00
USI EDUCATION AND GOVERN	31.40
WINDSTREAM	118.94
PARK & RECREATION	
LINDER TIRE & AUTO INC	16.00
MULLENAX AUTO SUPPLY	2.84
NEBRASKA PUBLIC POWER DI	150.22
PAPILLION SANITATION	84.24
WINDSTREAM	49.70
CEMETARY	
BLACK HILLS ENERGY	19.18
MULLENAX AUTO SUPPLY	8.67
WINDSTREAM	75.04
FIRE DEPARTMENT	
ALERT-ALL CORPORATION	1,656.00
C & L CLEANING	400.00
D & D COMMUNICATIONS INC	142.80
FOUR STAR LAUNDRY	55.45
MULLENAX AUTO SUPPLY	102.65
P&W	95.50
QUALITY SIGNS	17.50
WINDSTREAM	105.03
SENIOR CITIZEN CENTER	
PAYLESS OFFICE PRODUCTS	127.47
SHORT STOP	127.04
THE THOMPSON COMPANY	4,440.87
ECONOMICE DEV	
PLATTSMOUTH CHAMBER	7,000.00
COMMUNITY CENTER	
CIT TECHNOLOGY	12.65
DAVID TUNGESVIK	304.50
FITNESS PRO PLUS	1,010.50
FOUR STAR LAUNDRY	19.17

JEN RUDNICK	75.00
MICHAEL ANZALONE	300.00
MULLENAX AUTO SUPPLY	2.47
NEBRASKA DEPT OF REVENUE	1,828.27
NEBRASKA PUBLIC POWER DI	5,706.01
PAMIDA DISCOUNT CENTER	87.34
PAPILLION SANITATION	80.56
RONNIE BECKWITH	75.00
ROXANNE DOLECKI	100.00
SAM'S	353.35
SHARI BARRIES	210.00

AQUATIC

NEBRASKA PUBLIC POWER DI	71.67
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DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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WATER DEPARTMENT

ASPHALT SOLUTIONS	500.00
BLACK HILLS ENERGY	35.09
CASS COUNTY TREASURER	1,356.03
CENTRAL TRANSPORTATION S	1,704.77
DUGAN BUSINESS FORMS	467.75
FARM PLAN	188.66
HEARTLAND TECHNOLOGY SOL	315.16
HIGGINS HARDWARE	32.47
INTERSTATE ALL BATTERY	89.95
MULLENAX AUTO SUPPLY	56.84
NEBRASKA PUBLIC POWER DI	5,319.25
PAMIDA DISCOUNT CENTER	57.56
PLATTSMOUTH READY MIX IN	698.85
THE COLUMBUS TELEGRAM	140.00
WATER DEPARTMENT-PETTY C	448.57
WINDSTREAM	161.96
WS BUNCH	1500.00

SEWER DEPT

EMC NATIONAL LIFE COMPAN	295.27
ALLIED OIL & SUPPLY INC	82.60
BLACK HILLS ENERGY	341.84
GREAT PLAINS ONE CALL SE	23.79
HEARTLAND TECHNOLOGY SOL	155.24
LINDER TIRE & AUTO INC	492.20
MIDWEST LABORATORIES INC	658.40
NEBRASKA PUBLIC POWER DI	2,324.64
O'REILLY AUTOMOTIVE INC	44.53

PAPILLION SANITATION	32.41
RAILROAD MANAGEMENT COMP	
325.00	
WINDSTREAM	65.88
19 NEW WATER TOWER	
WATER DEPARTMENT	
BAIRD HOLM LLP	975.00
TOTAL CLAIMS	99,060.63
TOTAL SALARIES AND CLAIMS	186,178.95

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

CONSENT AGENDA ITEM B

Bill Dudek, Fire Chief stated that the Fire Department Street closing request is: Consider the request of the Plattsmouth Volunteer Fire Department to close North 5th Street from the east/west alley (North 5th Street to North 6th Street between Main Street and Avenue A) north to Avenue B and Avenue A from North 4th Street to North 6th Street on Tuesday, November 17, 2009 from 7:00 a.m. to 3:00 p.m. for the services for Fay Jose. Motion by Jenkins, seconded by Derby to approve the Plattsmouth Volunteer Fire Department street closing request of North 5th Street from the east/west alley (North 5th Street to North 6th Street between Main Street and Avenue A) north to Avenue B and Avenue A from North 4th Street to North 6th Street on Tuesday, November 17, 2009 from 7:00 a.m. to 3:00 p.m. for the services for Fay Jose. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, Olmsted & Perry Consulting Engineers Inc. reviewed the 1.0 MG Water Tank Repainting Project and recommended payment of both Change Order No. 1 and Pay Request No. 2 to W.S. Bunch Co.

Motion by Kerns, seconded by Tilson to approve Change Order No. 1 (Final)-adjusting final contract amount as an increase of \$8,180.00. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Motion By Tilson, seconded by Jenkins to approve W.S. Bunch Co. Pay Request No. 2 (Final) for the 1.0 MG Ground Storage Tank Repainting in the amount of \$28,430.00. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Bowman, seconded by Derby to approve Amendment No. 1, Task Order No. 15 for Engineering Services on the North Water Tower Project with a not to exceed amount of \$27,800.00. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 A

Motion by Derby, seconded by Tesarek to approve the renewal of the Nebraska Department of Roads Maintenance Agreement No. 21 and authorize the Council President to execute the agreement. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Erv Portis, City Administrator stated the Administrative Contract for the Community Development Block Grant (CDBG) Application #09-DTR-001/City of Plattsmouth was for the Downtown Revitalization Planning Grant. Motion by Bowman, seconded by Tesarek to approve the Administrative Contract for the Community Development Block Grant (CDBG) Application #09-DTR-001/City of Plattsmouth and authorize the Council President to execute the contract. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Bowman, seconded by Jenkins to approve the Professional Service/Consultant Agreement with the Southeast Nebraska Development District for administrative services and authorize the Council President to execute the agreement. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Porter, seconded by Jenkins to approve the Mayor's recommendation to appoint Mike Wilson as the Plattsmouth Volunteer Fire Department Fire Chief effective January 1, 2010 through December 31, 2010. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Bowman, seconded by Tilson to adopt a resolution numbered and titled:

RESOLUTION NO. 09-031

A Resolution expressing thanks and appreciation of the Plattsmouth Mayor and City Council to Fire Chief Bill Dudek.

WHEREAS, Section 8-101 of the City of Plattsmouth, Nebraska Revised Municipal Ordinances requires that the City shall provide for fire protection and emergency rescue squad service by and through the Fire Department, the direct management and control of which shall be vested in the fire chief;

WHEREAS, The fire chief shall manage the Fire Department and shall be appointed and subject to removal by the mayor with the advice and consent of the City Council and upon the recommendation of the members of the Fire Department;

WHEREAS, on June 1, 2009, Bill Dudek willingly accepted the position of Interim Fire Chief, and on July 20, 2009 Mayor Lambert placed Bill Dudek's name in nomination for appointment to the position of fire chief and City Council consented to that nomination; and

WHEREAS, Chief Dudek knowingly accepted the challenges of his position and has served with dedication and commitment to providing the best service possible to citizens of Plattsmouth.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PLATTSMOUTH that Chief Dudek is publicly thanked and acknowledged for the personal sacrifices he made to serve as chief of the Plattsmouth Volunteer Fire Department and to provide quality fire and rescue services during his term as chief.

PASSED AND APPROVED this 16th day of November, 2009.

/s/Ruth K. Wassinger, Council President

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-031 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 9 F

Motion by Jenkins, seconded by Tesarek to adopt a resolution numbered and titled:

RESOLUTION NO. 09-032

WHEREAS, the State of Nebraska Department of Roads (State) and City of Plattsmouth (City) entered into an agreement executed by the City on November 17, 2008 and by the State February 4, 2009 providing for the construction of Project No. URB-6403 (2), 15th Street, Avenue A to Avenue C;

WHEREAS, the State has deemed it now necessary that the original agreement be supplemented to allow Federal Stimulus Funds to be used toward construction of the project, modify the estimated project case and update the bid letting responsibilities;

WHEREAS, this project has been designated as being eligible for American Recovery and Reinvestment Act (ARRA) Funds by the Department of Transportation, Federal Highway Administration, in compliance with Federal Laws pertaining thereto; and

WHEREAS, it is in the best interest of the City to proceed with this project.
NOW, THEREFORE BE IT RESOLVED by the City Council that the City approve and authorize the Council President to execute Supplemental Agreement No. 1 between the State of Nebraska Department of Roads and City of Plattsmouth, for Project No URB-6403 (2), Control No. 22312, 15th Street, Avenue A to Avenue C.

PASSED AND APPROVED this 16th day of November 2009.

/s/Ruth K. Wassinger, Council President

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-032 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 9 G

Motion by Bowman, seconded by Porter to adopt a resolution numbered and titled:

RESOLUTION NO. 09-033

WHEREAS, the State of Nebraska Department of Roads (State) and City of Plattsmouth (City) entered into an agreement executed by the City on November 17, 2008 and by the State February 4, 2009 providing for the construction of Project No. URB-6403 (3), 15th Street, 1st Avenue to Main Street;

WHEREAS, the State has deemed it now necessary that the original agreement be supplemented to allow Federal Stimulus Funds to be used toward construction of the project, modify the estimated project case and update the bid letting responsibilities;

WHEREAS, this project has been designated as being eligible for American Recovery and Reinvestment Act (ARRA) Funds by the Department of Transportation, Federal Highway Administration, in compliance with Federal Laws pertaining thereto; and

WHEREAS, it is in the best interest of the City to proceed with this project.
NOW, THEREFORE BE IT RESOLVED by the City Council that the City approve and authorize the Council President to execute Supplemental Agreement No. 1 between the State of Nebraska Department of Roads and City of Plattsmouth, for Project No URB-6403 (3), Control No. 22314, 15th Street, 1st Avenue to Main Street.

PASSED AND APPROVED this 16th day of November 2009.

/s/Ruth K. Wassinger, Council President

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-033 in to the record. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1797: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ADOPTING A ONE AND ONE-HALF PERCENT (1.5%) SALES AND USE TAX TO BECOME EFFECTIVE APRIL 1, 2010 UPON THE SAME TRANSACTIONS, WITHIN THE CORPORATE LIMITS OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA, ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE SUCH A TAX PURSUANT TO THE PROVISIONS OF SECTIONS 77-2701 TO 77-27,135 R.R.S. NEBRASKA 1943, AS AMENDED, KNOWN AS THE NEBRASKA REVENUE ACT OF 1967, AND SECTIONS 77-27,142 TO 77-27,148 R.R.S. NEBRASKA 1943, AS AMENDED, KNOWN AS THE LOCAL OPTION REVENUE ACT OF 1969; TO PROVIDE FOR THE ADMINISTRATION, ASSESSMENT, COLLECTION, CLAIMS, REMEDIES, PENALTIES AND DISPOSITION OF SUCH SALES AND USE 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 Tesarek that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1797 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Bowman moved for final passage of the ordinance, which motion was seconded by Jenkins. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 I

Motion by Tilson, seconded by Porter to approve an amendment to and extension of the Temporary Emergency Medical Services Agreement with American Medical Response (AMR) and authorize the Council President to execute the agreement. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 J

Motion by Tilson, seconded by Tesarek to approve the Physician Medical Director contract with amendments as proposed by Premier Health Care Services Inc. and authorize the Council President to execute the contract. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10

Mike Bowman, Streets and Alleys Committee Chairman stated that he did have a request to reopen a driveway from the prospective renter of a property. He will wait to make contact with the owner before reporting.

ITEM 11

There was no need for an executive session to discuss legal issues.

ITEM 12

7:46 p.m. Motion by Jenkins, seconded by Tesarek to adjourn. MOTION CARRIED.

/s/Ruth K. Wassinger, Council President

ATTEST:

/s/Sandra J. Meyer, City Clerk