

PLATTSMOUTH CITY COUNCIL
March 15, 2010

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 15, 2010 at City Hall, 136 N. 5TH Street, Plattsmouth, Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Mike Bowman, Terry Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Also present: City Administrator Ervin L. Portis, Deputy City Clerk and City Treasurer Peggy A. Wilsey and City Attorney Roger K. Johnson.

Notice of the 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 announced the location in the meeting room of the current Nebraska Open Meetings Act and the documents for discussion during the meeting.

CITIZEN'S DELEGATION:

No one spoke at Citizen's Delegation.

MAYOR PROCLAMATION

Mayor Lambert proclaimed appreciation for the outstanding efforts of Job's Daughters International. As well as support for the Job's Daughters and Bethel #24 efforts to raise money for the Hearing Impaired Kids Endowment Fund.

CONSENT AGENDA:

Motion by Tilson, seconded by Bowman, to remove Item B from the consent agenda to unfinished business. A voice vote was unanimous. MOTION CARRIED.

Motion by Tilson, seconded by Jenkins, to approve the remaining items in the Consent Agenda:

- A Consider approval of March 1, 2010 City Council Meeting Minutes
- C Consider recommendation for approval of a Special Designated License filed by Mayden Layne Enterprises Inc. d/b/a DC's Waterhole for April 16, 2010 for a Promotional Event at 308 South 18th Street, Plattsmouth, Nebraska from 5:00 p.m. to 11:00 p.m.
- D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 2/26/10 not Net as before.

General Admin 12,008.42

Humane 1080.00

Police 31,277.15

Street 10,422.18

Public Library 6,577.91

Parks

Oakhill Cemetery 1,461.40

Community Center 9,965.68

Senior Center 1,773.14

Pool

Sewer 4,185.96

Water 7,345.68

TOTAL SALARIES 86,097.52

VARIOUS

CINTAS CORPORATION #749 14.20

FIDELITY SECURITY LIFE I 245.52

MUTUAL OF OMAHA 619.37

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 156.20

BLACK HILLS ENERGY 1,256.98

C & L CLEANING 150.00

D & D LASER INC 213.85

DANA F. COLE & COMPANY L 2,700.00

FIRST BANKCARD 120.00

HIGGINS HARDWARE 4.59

KRIZ DAVIS CO 134.40

LEAGUE OF NEB MUNICIPALI 21.00

MICROFILM IMAGING SYSTEM 90.00

NEBRASKA PUBLIC POWER DI 202.88

OLMSTED & PERRY ENGINEER 156.25

PAPILLION SANITATION 45.08

PAYFLEX 30.20

PAYLESS OFFICE PRODUCTS 69.77

THE COLUMBUS TELEGRAM 321.77

UNLIMITED VISION LLC 306.58

WINDSTREAM 322.5

HUMANE/CODE ENFORCEMENT

AVID IDENTIFICATION SYST	269.62
BOMGAARS SUPPLY	96.15
MID CON SYSTEMS INC	129.02
NEBRASKA PUBLIC POWER DI	198.54
PLATTSMOUTH ANIMAL HOSPI	72.04
SUE BAKER	38.51

RESCUE SQUAD

AMERICAN MEDICAL RESPONS	47,700.00
BLACK HILLS ENERGY	231.07
NEBRASKA PUBLIC POWER DI	632.92
WINDSTREAM	103.44

POLICE

ALAMAR UNIFORMS	119.97
BELLEVUE ANIMAL HOSPITAL	292.40
CASS COUNTY SHERIFF	3,509.00
FACTORYMOTORPARTS	121.19
GE CAPITAL	639.00
MULLENAX AUTO SUPPLY	321.95
NEBRASKA IAI	25.00
O'REILLY AUTOMOTIVE INC	3.06
OCE IMAGISTICS	126.47
PAYFLEX	38.12
SIRCHIE FINGER PRINT LAB	66.99
TINCHER FORD-MERCURY INC	611.41
WARGA BROADCASTING LLC	300.00

STREET

ASPHALT & CONCRETE MATER	591.80
CINTAS CORPORATION #749	232.56
CONWAY OIL COMPANY	1,646.27
DULTMEIER SALES	86.62
FACTORYMOTORPARTS	29.20
HIGGINS HARDWARE	6.96
KENZ & LESLIE DISTRIBUTI	5.07
LINDER TIRE & AUTO INC	96.00
LYMAN RICHEY SAND & GRAV	807.17
MEESKE ACE HARDWARE	62.50
MULLENAX AUTO SUPPLY	193.38
NEBRASKA PUBLIC POWER DI	5,761.25
NEBRASKA SALT & GRAIN CO	2,887.67
O'REILLY AUTOMOTIVE INC	3.06
PAMIDA DISCOUNT CENTER	53.13

PAPILLION SANITATION	109.28
PAYFLEX	7.92
PRUITT INC	310.00
TINCHER FORD-MERCURY INC	192.81
TITAN MACHINERY	206.95
WINDSTREAM	105.79
PUBLIC LIBRARY	
GE MONEY BANK/AMAZON	93.61
NEBRASKA DEPT OF REV	5.04
PAYFLEX	7.92
WINDSTREAM	123.63
PARK & RECREATION	
FARM PLAN	270.00
IMPACT MANUFACTURING	47.09
JOHN DEERE CREDIT	1,559.55
MULLENAX AUTO SUPPLY	140.39
NEBRASKA PUBLIC POWER DI	135.22
PAPILLION SANITATION	21.06
THE COLUMBUS TELEGRAM	6.73
WINDSTREAM	52.63
CEMETERY	
BLACK HILLS ENERGY	122.69
FARM PLAN	270.00
FIRST BANKCARD	35.62
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	.99
WINDSTREAM	75.50
FIRE DEPARTMENT	
BLACK HILLS ENERGY	231.07
C & L CLEANING	400.00
EGAN SUPPLY CO	332.37
FIRE ENGINEERING	29.95
FIRST WATCH INC	116.00
FORT DEARBORN LIFE INSUR	127.28
FOUR STAR LAUNDRY	105.09
HOST COFFEE SERVICE INC	142.00
IDEAL PURE WATER	110.95
MAIN STREET JEWELERS	252.60
MOTOROLA	412.05
MULLENAX AUTO SUPPLY	243.00
OFE OIL INC.	235.00

OMAHA COMPOUND COMPANY	49.86
SAVAGE PLUMBING LLC	249.99
TRI-MUTUAL AID FIREFIGHT	150.00
WINDSTREAM	103.43
SENIOR CITIZEN CENTER	
FOUR STAR LAUNDRY	134.40
IMPACT MANUFACTURING	44.28
MENARDS	89.08
NEBRASKA PUBLIC POWER DI	716.87
SHORT STOP	146.53
STEPHEN C. WARGA	9.00
THE COLUMBUS TELEGRAM	15.25
THE THOMPSON COMPANY	4,208.52
'WINDSTREAM	119.74
COMMUNITY CENTER	
BETTINA MOSLEY	150.00
CIT TECHNOLOGY	339.00
DOLLAR GENERAL	59.00
FOUR STAR LAUNDRY	38.34
HIGGINS HARDWARE	95.10
JEN RUDNICK	75.00
JOY SCANLAN	120.00
MENARDS	128.64
MICHAEL ANZALONE	240.00
MID-STATES SUPPLY COMPAN	201.94
MULLENAX AUTO SUPPLY	15.76
NEBRASKA DEPT OF REV	2275.82
NEBRASKA PUBLIC POWER DI	6,451.82
PAPILLION SANITATION	80.56
PAYLESS OFFICE PRODUCTS	10.99
ROXANNE DOLECKI	75.00
SCHINDLER ELEVATOR CORP	394.75
SAMS	16.97
WINDSTREAM	359.23
AQUATIC	
NEBRASKA PUBLIC POWER DI	67.86
DEBT SERVICE	
WATER & SEWER DEPARTMENT	6,113.22
WATER	
BLACK HILLS ENERGY	77.10

CENTRAL TRANSPORTATION S	1,833.98
DANA F. COLE & COMPANY L	1,206.00
FORCE FLOW	540.25
GREAT PLAINS ONE CALL SE	24.74
HAWKINS INC	886.50
MIDWEST FARMERS COOPERAT	27.32
NALCO COMPANY	1,824.45
NEBRASKA PUBLIC POWER DI	6,817.77
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	10.99
THE COLUMBUS TELEGRAM	34.23
TINCHER CHEVROLET/OLDS I	28.45
UNITED STATES POST OFFIC	92.50
UTILITY EQUIPMENT COMPAN	518.03
WINDSTREAM	153.35
SEWER	
MUTUAL OF OMAHA	18.96
DANA F. COLE & COMPANY L	594.00
MIDWEST LABORATORIES INC	269.20
NEBRASKA PUBLIC POWER DI	1,996.37
OFE OIL INC.	45.00
PAPILLION SANITATION	32.41
UNITED STATES POST OFFIC	92.50
USA BLUEBOOK	311.24
WINDSTREAM	67.03
DRUG FORFEITURE	
NEXTEL PARTNERS	120.32
24 STREETScape	
HDR ENGINEERING INC	54,148.79
THE COLUMBUS TELEGRAM	11.78
Total Claims 177,338.10	
Total Salaries and Claims 263,435.62	

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

UNFINISHED BUSINESS

Discussion initiated by Council Member Tilson regarding the number of rescue squad members shown on the Plattsmouth Volunteer Fire Department roster. Rescue squad Captain Greg Clifton addressed the questions. Council requested a listing on ride longs, and a copy of the ride along

liability waiver, by the next city council meeting. Motion by Kerns, seconded by Wassinger, to approve the Plattsmouth Volunteer Fire Department roster. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

NEW BUSINESS

ITEM 9 A

Pursuant to publication, the Mayor opened a public hearing at 7:19 p.m. to determine the sufficiency of any written objections filed or of the existence of the required facts and conditions relative to the creation of Street Improvement District 2010-1. Mr. Portis, City Administrator, advised that no written objections to creating Street Improvement District 2010-1 were received and that the facts and conditions relevant to the creation existed. No other persons requested to testify during the hearing. The Mayor closed the public hearing at 7:21 p.m.

Motion by Wassinger, seconded by Jenkins, to adopt a Resolution No. 10-009. The Resolution was read into the record:

RESOLUTION NO. 10-009

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, as follows:

1. That the Mayor and Council have heretofore created a Street Improvement District No. 2010-1; that notice of said creation was published as required by law, which notice set this time and place for a hearing date to determine the sufficiency of written objections which have been filed.
2. That as of the date of the passage of the ordinance creating the District:
 - a) The total front footage of property directly abutting upon the street or streets to be improved in the District is 4,748 running feet and
 - b) the total front footage of property represented by objections of owners of record title is zero (0).
3. That objections to the District are insufficient, and all required facts and conditions exist for the creation of the District.
4. That the plans, specifications and estimates of cost of the engineers in connection with the construction of street improvements in Street Improvement District No. 2010-1, which have heretofore been filed with the Clerk be, and the same are, accepted and approved and the Clerk is instructed to cause notice to bidders to be published as required by law for receiving bids as soon as possible.

PASSED AND APPROVED this 15th day of March, 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Peggy A. Wilsey, Deputy City Clerk

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

ITEM 9 C

Motion by Jenkins, seconded by Tilson, to lay over receiving and considering approval of the City of Plattsmouth Fiscal Year 2008/2009 end of year Financial Statements until the next meeting for the reason that the City had not received the same from the auditors. ROLL CALL: Yes- Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Wassinger, seconded by Derby, to approve Amendment No. 1 to the Task Order for Engineering Services (HDR) CSO Separation Project and Streetscape. ROLL CALL: Yes- Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Jenkins, seconded by Wassinger, to approve a request to submit a grant application in the amount of \$50,000.00 to the Baseball Tomorrow Fund for the purpose of improvements to Memorial Baseball Field. ROLL CALL: Yes- Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger, and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Bowman, seconded by Kerns to approve a request to submit a grant application to the Nebraska State Historical Society in the amount of \$18,334.00 for the purpose of conducting a required historic survey of Plattsmouth, Nebraska. ROLL CALL: Yes- Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Tilson, seconded by Jenkins, to adopt Resolution No. 10-010. The Resolution was read into the record:

RESOLUTION

TITLE VI – CIVIL RIGHTS

The City of Plattsmouth

Resolution No. 10-010

Whereas: Certain transportation facilities (roads, streets, trails, and others) in the City of Plattsmouth have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

Whereas: The City of Plattsmouth desires to continue to participate in Federal-Aid transportation construction programs;

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

Whereas: The City of Plattsmouth as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of The City of Plattsmouth; and

Whereas: The City of Plattsmouth understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in The City of Plattsmouth being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The City of Plattsmouth, City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of The City of Plattsmouth.

Be It Further Resolved: The City Council does hereby designate the following as responsible for the management of the Title VI – Civil Rights process: City Administrator.

Adopted this fifteen day of March, 2010 at Plattsmouth, Nebraska.

The City Council of the City of Plattsmouth

_____	_____
_____	_____
_____	_____
_____	_____

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Peggy A. Wilsey, Deputy City Clerk

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

ITEM 9 H

Motion by Wassinger, seconded by Tilson, to approve an agreement which shall serve as City's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21. ROLL CALL: Yes- Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Jenkins, seconded by Wassinger, to adopt Resolution No. 10-011. The Resolution was read into the record:

RESOLUTION

TITLE VI- CIVIL RIGHTS

Americans with Disabilities/Section 504 of Rehabilitation Act
City of Plattsmouth

Resolution No. 10-011

Whereas: Certain transportation facilities (roads, streets, trails, and others) in the City of Plattsmouth have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

Whereas: The City of Plattsmouth desires to continue to participate in Federal-Aid transportation construction programs;

Whereas: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

Whereas: The City of Plattsmouth as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 - Civil Rights Policy of the City of Plattsmouth; and

Whereas: The City of Plattsmouth understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in the City of Plattsmouth being required to repay some or all of the federal funds expended for a project(s).

Be It Resolved: The City of Plattsmouth, City Council does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of City of Plattsmouth.

Be It Further Resolved: The City of Plattsmouth, City Council does hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: The City Administrator.

Adopted this 15th day of March, 2010 at Plattsmouth, Nebraska.

The City Council of the City of Plattsmouth

_____	_____
_____	_____
_____	_____
_____	_____

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Peggy A. Wilsey, Deputy City Clerk

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

ITEM 9 J

Mayor Lambert recommended that the Council convene in executive session to protect the public interest to discuss contract negotiations with the Board of the Plattsmouth Rural Fire District regarding an Interlocal Agreement. Motion by Jenkins, seconded by Porter, to enter into executive session at 7:37 p.m. for the protection of the public interest to discuss contract negotiations of an interlocal cooperation agreement for fire and rescue services with the Board of the Plattsmouth Rural Fire District.

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

Mayor Lambert advised that the City Council would enter executive session for the protection of the public interest to discuss contract negotiations of an interlocal cooperation agreement for fire and rescue services with the Board of the Plattsmouth Rural Fire District.

7:52 p.m. Motion by Tesarek, seconded by Tilson, to reconvene in public session. A voice vote was unanimous. MOTION CARRIED.

ITEM 9 K

Motion by Jenkins, seconded by Bowman, to approve the interlocal cooperation agreement with the Plattsmouth Rural Fire District as presented. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED

ITEM 9 L

Motion by Kerns, seconded by Jenkins, to authorize the Plattsmouth Volunteer Fire Department Rescue Squad to begin operating from 5:00 p.m. on Fridays to 5:00 a.m. on Mondays and to operate as the first call for mutual aide to assist American Medical Response Ambulance Service, Inc., contingent on the approval of all of the Department's protocols by the Physician Medical Director, and that the Department provide detailed report to council outlining the Department's responses to calls. ROLL CALL: Yes- Jenkins, Tesarek, Derby, Porter, Kerns, Bowman Tilson, and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

Motion by Kerns, seconded by Tilson, to approve the recommendation of the Emergency Medical Services Advisory Board to begin the search for a full-time rescue squad manager who also would be a paramedic, and a paramedic; that the City Administrator and City Attorney begin redrafting the City Code as it relates to separating the rescue squad from the Fire Department and to develop objective criteria and accountability standards for the departments. ROLL CALL: Yes- Tesarek, Derby, Porter, Kerns, Bowman Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10

Council Member Bowman, Streets and Alleys Committee Chair, reported on a parking issue at 10th and Main by the Plattsmouth Head Start School.

ITEM 13

8:16 p.m. Motion by Tesarek, seconded by Porter, to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Peggy A. Wilsey, Deputy City Clerk