

PLATTSMOUTH CITY COUNCIL

August 2, 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 August 2, 2010 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry 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 Mayor 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.

ITEM 5-CITIZEN'S DELEGATION:

No one spoke at Citizen Delegation.

ITEM 6-MAYOR PROCLAMATION

There were no mayoral proclamations

ITEM 7-CONSENT AGENDA:

Motion by Derby, seconded by Wassinger to approve the consent agenda as listed:

- A Consider approval of July 19, 2010 City Council Meeting Minutes
- B Consider approval of the appointment of a new member to the Plattsmouth Volunteer Fire Department: Bryan Heckman
- C Receive and consider approval of the current Plattsmouth Volunteer Fire Department roster
- D Consider approval of claims

Council Member Tilson requested that Item B under the Consent Agenda be considered separately. Tilson requested more information prior to making the appointment of a new member to the Plattsmouth Volunteer Fire Department.

Derby withdrew his motion to approve the agenda as listed and Wassinger withdrew her second.

After further discussion, motion by Derby, seconded by Wassinger to approve the Consent Agenda except for Item B which will be considered separately.

- A Consider approval of July 19, 2010 City Council Meeting Minutes
- C Receive and consider approval of the current Plattsmouth Volunteer Fire Department roster
- D Consider approval of claims

DATE 7/30/2010 CITY OF PLATTSMOUTH PAGE 1
CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 7/16/10 not Net as before.

General Admin 11,913.80
Humane 1080.00
Police 27,552.32
Street 10,130.89
Public Library 4,265.93
Parks 2,596.00
Oakhill Cemetery 1,840.00
Community Center 8,885.20
Senior Center 1,658.77
Pool 9,062.21
Sewer 4,205.83
Water 7,638.42
Rescue 3,360.00
TOTAL SALARIES 94,189.37

VARIOUS

AMERICAN FAMILY LIFE	24.10
BLUE CROSS BLUE SHIELD	31,207.99
DELTA DENTAL PLAN	51.00
FIDELITY SECURITY LIFE I	233.60
PLATTSMOUTH STATE BANK	2,074.06
THE UNION CENTRAL LIFE I	155.02
GENERAL ADMINISTRATION	
BLUE CROSS BLUE SHIELD	422.30
BOMGAARS SUPPLY	207.42
C & L CLEANING	150.00

DANA F. COLE & COMPANY L	1,380.00
DELTA DENTAL PLAN	255.00
IT'S GOT TO GO	195.00
KENNEDY STORAGE	50.00
PAYFLEX	30.20
PITNEY BOWES INC.	145.00
PITNEY BOWES PURCHASE PO	2,000.00
SCHMADER ELECTRIC CO INC	2,589.50
THE FRAZIER COMPANY	2,757.00
WELLS FARGO FINANCIAL LE	335.26

EMS

CITY TREASURER	44.70
DELTA DENTAL PLAN	102.00
EGAN SUPPLY CO	53.47
FOUR STAR LAUNDRY	2.58
GREG CLIFTON	175.00
IDEAL PURE WATER	198.83
JUSTIN DOERING	70.00
LA VISTA PHARMACY	30.50
LIFE-ASSIST INC	29.91
LINWELD	37.63
MULLENAX AUTO SUPPLY	92.34
PAYLESS OFFICE PRODUCTS	166.98
VERIZON WIRELESS	105.81

POLICE

DELTA DENTAL PLAN	651.80
FIRST BANKCARD	70.00
MITCHELL 1	123.14
PAYFLEX	38.12

STREET

BLACK HILLS ENERGY	45.77
BOMGAARS SUPPLY	119.38
DELTA DENTAL PLAN	294.80
MICHAEL TODD & COMPANY I	140.10
MITCHELL 1	123.13
NEBRASKA PUBLIC POWER DI	123.98
PAYFLEX	7.92
PLATTSMOUTH READY MIX IN	2,200.88
QUALITY SIGNS	142.00
WHITE CAP CONSTRUCTION S	76.52

PUBLIC LIBRARY

AUDIO EDITIONS	96.39
BAKER & TAYLOR BOOKS	1,571.83
BAKER & TAYLOR ENTERTAIN	63.38
BOMGAARS SUPPLY	200.75
CENTER POINT LARGE PRINT	233.64
CHARTER	40.00
CITY TREASURER-Postage	57.94
DELTA DENTAL PLAN	82.10
DOLLAR GENERAL	14.00
EGAN SUPPLY CO	21.65
IKON OFFICE SOLUTIONS	412.06
KIRSTEN WOOD	51.24
MIDWEST MINOR MEDICAL	25.00
NEBRASKA PUBLIC POWER DI	1,031.08
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	9.48
R & R CLEANING	325.00
PARK & RECREATION	
BLACK HILLS ENERGY	20.10
BOMGAARS SUPPLY	19.94
CITY TREASURER	19.80
FERGUSON ENTERPRISES	273.00
JOHN DEERE CREDIT	1,559.55
NEBRASKA PUBLIC POWER DI	108.55
CEMETERY	
DELTA DENTAL PLAN	51.00
NEBRASKA PUBLIC POWER DI	22.97
PAYFLEX	7.92
FIRE DEPARTMENT	
DON'S PIONEER UNIFORM	64.90
OFE OIL INC.	52.66
SENIOR CITIZEN CENTER	
FERGUSON ENTERPRISES	467.81
SHORT STOP	147.87
COMMUNITY CENTER	
ADVANCED OFFICE AUTOMATI	65.96
AMERICAN RED CROSS HEART	886.74
BETTINA MOSLEY	200.00
BLACK HILLS ENERGY	127.19
CHARTER BUSINESS	85.26
CITY TREASURER	338.13

DANI CANIGILIA	40.00
DELTA DENTAL PLAN	70.90
DOLLAR GENERAL	101.00
DONNA HOLMES	50.00
FOUR STAR LAUNDRY	57.51
KELLEY SCANLAN	20.00
KENDRA HEYNE	58.58
MAKD INC	200.00
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	20.00
NEBRASKA AIR FILTER INC	115.62
PHIL WARRICK	40.00
PRECISION INDUSTRIES INC	10.84
ROXANNE DOLECKI	100.00
SARAH ASCHENBRENNER	30.00
SHARI BARRIES	120.00

AQUATIC

BLACK HILLS ENERGY	252.53
BOMGAARS SUPPLY	52.15
DOLLAR GENERAL	30.00
FASTENAL COMPANY	50.13
JOHN'S APPLIANCE	98.00
PEPSI COLA	1,758.60

CEMETARY - LOT & IMPROVEMENT

CITY TREASURER-Transfer in for Cemetery Exp	25,000.00
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WATER

ACCUPRINT LASER SERVICES	77.85
BOMGAARS SUPPLY	693.60
CITY TREASURER	1,414.56
DANA F. COLE & COMPANY L	616.40
DELTA DENTAL PLAN	130.60
HAWKINS INC	701.50
MICHAEL TODD & COMPANY I	93.40
MISSISSIPPI LIME COMPANY	6,410.00
NE PUBLIC HEALTH ENVIRON	95.00
NEBRASKA PUBLIC POWER DI	1,533.82
PAYFLEX	7.92

SEWER

BLUE CROSS BLUE SHIELD	2,343.77
CENTRAL UNITED LIFE INSU	265.44
BOMGAARS SUPPLY	110.80

DANA F. COLE & COMPANY L	303.60
DELTA DENTAL PLAN	153.00
NMC EXCHANGE LLC	2,595.00
WATER ENVIRONMENT FEDERA	53.00
21 NEW WATER TOWER PROJECT (DWSRF)	
CALDWELL TANKS	274,369.95
25 BURK TRUST	
SENIOR CITIZEN CENTER	
TIMS FLOORING	7,456.28
20 CSO	
BNSF Railway	1,000.00
Total Claims	387,233.90
Total Claims and Salaries	481,423.47

Council Member Kerns advised that he would abstain from voting on the motion because he was a subcontractor to Caldwell Tank which had an invoice in the claims for payment. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Bowman. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 7B-CONSENT AGENDA:

- B Consider approval of the appointment of a new member to the Plattsmouth Volunteer Fire Department: Bryan Heckman

Council Member Tilson opposed approving the appointment of a new member to the Plattsmouth Volunteer Fire Department with the documentation that was provided. Fire Chief Mike Wilson reviewed the requirements and the process before forwarding a recommendation to the Mayor and Council. After further discussion, motion by Porter, seconded by Bowman to approve the appointment of Bryan Heckman as a probationary member of the Plattsmouth Volunteer Fire Department. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Mayor Lambert noted that Ordinance No 1811 had been adopted on first reading at the meeting of July 19, 2010. Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1811: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER V, ARTICLE II, OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2002 AS THE SAME RELATES TO THE REGULATION OF NON-RESIDENT SALES PEOPLE AND THE REQUIREMENT TO OBTAIN A PERMIT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE** Motion by Bowman, seconded by Tilson that the statutory rule requiring reading an

ordinance on three different days be suspended and that Ordinance No. 1811 be adopted on second reading by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mr. Johnson read into the record Ordinance 1811 by title only.

ITEM 8 B

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1812: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF VEHICLE OFF-STREET PARKING BONDS OF THE CITY OF PLATTSMOUTH, NEBRASKA, OF THE PRINCIPAL AMOUNT OF ONE HUNDRED EIGHTY THOUSAND DOLLARS (\$180,000) ISSUED FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING IMPROVEMENTS WITHIN VEHICLE OFF-STREET PARKING DISTRICT NO. 1 OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.** Motion by Bowman, seconded by Wassinger that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1812 be adopted on first reading by title only. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Tesarek and Derby. No-Jenkins. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Bowman moved for final passage of the ordinance on third reading by title only, which motion was seconded by Wassinger. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Tesarek. No-Jenkins. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 C

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1813: **AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES, SERIES 2010, IN THE AMOUNT OF SIX HUNDRED THOUSAND DOLLARS (\$600,000) FOR THE PAYMENT OF OUTSTANDING PROMISSORY NOTES, SERIES 2007 OF THE CITY OF PLATTSMOUTH, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO PAY THE NOTES AND ACCRUED INTEREST FROM FUNDS COLLECTED OR TO BE COLLECTED UPON CURRENT OR SUBSEQUENT TAX LEVY; PROVIDING FOR THE SALE OF THE NOTES AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.** Motion by Bowman, seconded by Tesarek that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1813 be adopted on first reading by title only. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. 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 on third reading by title only, which motion was seconded by Derby. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None.

Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 D

Council Member Bowman introduced a Resolution numbered and titled: Resolution No. 10-018: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AMENDING RESOLUTION 10-001 RELATED TO SPECIAL ASSESSMENTS AGAINST REAL ESTATE FOR IMPROVEMENTS AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE CASS COUNTY TREASURER AND CASS COUNTY CLERK.**

Motion by Bowman seconded by Wassinger to adopt Resolution No. 10-018. Mr. Johnson read said Resolution into the record.

RESOLUTION NO. 10-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, AMENDING RESOLUTION 10-001 RELATED TO SPECIAL ASSESSMENTS AGAINST REAL ESTATE FOR IMPROVEMENTS AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE CASS COUNTY TREASURER AND CASS COUNTY CLERK.

WHEREAS, the City Council previously imposed special assessments on the following properties but subsequently discovered that title to 608 South 8TH Street had transferred prior to the public hearing:

608 South 8 TH Street	\$116.62
804 North 9 TH Street	\$595.08

WHEREAS, the City desires to proceed with the levy of the special assessment on 804 North 9TH Street.

NOW, THEREFORE, BE IT RESOLVED that Resolution 10-001 is amended as follows:

WHEREAS, the property owners of 804 North 9TH Street, Plattsmouth, Nebraska, legally described as Lot 12, Block 5, Townsend's Addition to the City of Plattsmouth, Cass County, Nebraska failed to abate a nuisance condition and the City expended \$595.08 to complete the abatement which the owners then failed to pay; and

WHEREAS, a public hearing was held and evidence was received and considered by the Mayor and City Council sitting as a Board of Adjustment and Equalization related to the special benefit to the property from the nuisance abatement.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and

determines that the following property specially benefitted from the City's abatement of a nuisance on the property: Lot 12, Block 5, Townsend's Addition to the City of Plattsmouth, Cass County, Nebraska.

BE IT FURTHER RESOLVED that the cost of the clean up is a correct statement of special benefit to the property and that there be and hereby is levied against the property \$595.08 which shall be due in a single payment not later than September 20, 2011, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before September 20, 2010, which is more than fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk shall certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading the same on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 2ND day of August 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 8 E

Motion by Wassinger, seconded by Kerns to approve Change Order No. 1 for Schedule B (Streetscape) to extend a storm sewer inlet lead by 58 feet with a net increase of \$2,320.00 for a revision of the contract price with Graham Construction to \$4,187,714.46. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Motion by Kerns, seconded by Porter to approve Contractor's Application and Certificate for Payment in the amount of \$172,664.91 for work on the Main Street Corridor Improvement Project. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Motion by Wassinger, seconded by Kerns to receive the Airport Authority Budget Resolution No. 10-03 regarding Airport Authority Tax Request in the amount of \$123,053.89 and forward the same to the City Treasurer for inclusion in the City of Plattsmouth proposed FY 10/11 budget and further consideration by the City Council during its forthcoming budget deliberations and final adoption. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Council Member Kerns stated that he would be abstaining from any discussion or action regarding the authorization of Kerns Excavating to repair a 24 inch sewer line at East Main Street and River Road when the Missouri River flood waters recede to such a point that repairs can be made at a cost not to exceed \$20,000.00 as he is the President of Kerns Excavating and then exited the Council Chamber for the item to be discussed and action taken.

City Administrator Erv Portis stated that the repair is needed due to the flooding and that Kerns would be excavating the pipe and then repairing it when the water goes down. Motion by Wassinger, seconded by Jenkins to authorize Kerns Excavating to repair a 24 inch sewer line at East Main Street and River Road when the Missouri River flood waters recede to such a point that repairs can be made at a cost not to exceed \$20,000.00. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 C

City Administrator Erv Portis stated that the Police Department has worked several nuisance violations at 810 4th Avenue. Working with the property owner, the Police Department arranged an agreement with the property owner to deed it to the City and upon acceptance, the City can use Housing Reuse funds to demolish the existing debilitated structure, clear and maintain the lot until it is resold. Motion by Jenkins, seconded by Wassinger to accept Quitclaim Deed for property legally described as LOT TEN (10), BLOCK FIFTY-EIGHT (58), CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA for which a Special Assessment due to Code Enforcement Clean-Up was filed against the property by the City on January 8, 2010. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Kendall Roby, Plattsmouth Chamber of Commerce President gave a presentation on the types of activities intended to encourage new industries and investment in the community and the publicity campaigns for which the City provides funding. Roby indicated that the Chamber

would be more than willing to give a quarterly update to the Council.

ITEM 9 E

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest with regard to possible litigation related to the CDBG Loan to New Idea Inc. 7:50 p.m. Motion by Tesarek, seconded by Jenkins to convene to Closed Session to protect the public interest with regard to possible litigation related to the CDBG Loan to New Idea Inc. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest with regard to possible litigation related to the CDBG Loan to New Idea Inc.

7:59 p.m. Motion by Tesarek, seconded by Jenkins to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 10-STREETS AND ALLEYS

Council Member Mike Bowman, Chairman of the Streets and Alleys Committee stated that they are still researching the request for street vacation on South 8th Street and are not yet ready to make a recommendation.

ITEM 13

8:04 p.m. Motion by Tesarek, seconded by Jenkins to adjourn. On a voice vote, MOTION CARRIED.

R. Paul Lambert, Mayor

ATTEST:

Sandra J. Meyer, City Clerk