

PLATTSMOUTH CITY COUNCIL

April 4, 2011

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 April 4, 2011 at City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry Tilson, Steve Riese, Pat Dugan 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 DELEGATION

Michelle Sunderman, Amy Johnson, Arlo Cole and Kim Kathol all spoke regarding the City fees to use Twin Rivers Water Park for Swim Team duals and meets.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of March 21, 2011 City Council Meeting Minutes
- B Consider approval of the appointment of the following proposed new members to the Plattsmouth Volunteer Fire Department: Phil Lewiston and Ashley Wojcian
- C Consider the approval of the Plattsmouth Volunteer Fire Department Roster
- D Consider approval of the Plattsmouth Emergency Medical Services Department Roster
- E Consider approval of claims

Please note these are GROSS SALARIES 3/25/2011 not Net as before.

General Admin 14,996.22

Humane 1,112.80

Police 29,156.39

Street 10,439.54

Public Library 5,787.90
Parks
Oakhill Cemetery 1,433.85
Community Center 7,531.08
Senior Center 2,014.62
Pool 0
Sewer 4,264.67
Water 7,263.27
Rescue 3,161.54
TOTAL SALARIES 87,161.88

VARIOUS

AMERICAN FAMILY LIFE 238.34
BLUE CROSS BLUE SHIELD 36,517.51
CINTAS CORPORATION #749 18.60
DELTA DENTAL PLAN 52.00
FRATERNAL ORDER OF POLIC 195.00
MUTUAL OF OMAHA 604.66
PLATTSMOUTH STATE BANK 942.26
SHELL 6050.27
THE UNION CENTRAL LIFE I 155.02
UNITED STATES LIFE INSUR 91.21

GENERAL ADMINISTRATION

ACTION FLAG CO 50.40
BLACK HILLS ENERGY 503.74
DELTA DENTAL PLAN 260.00
EGAN SUPPLY CO 61.80
FIRST BANKCARD 79.59
HOLIDAY INN OF KEARNEY 299.80
JOHN BAXTER 50.00
KATHRYN SHARP 107.00
NEBRASKA PUBLIC POWER DI 185.22
OMAHA PAPER COMPANY INC 818.50
PAYFLEX 45.46
PAYLESS OFFICE PRODUCTS 115.05
PITNEY BOWES 2,008.79
PITNEY BOWES INC. 145.00
RDG PLANNING & DESIGN 352.50
WELLS FARGO FINANCIAL LE 177.49

HUMANE/CODE ENFORCEMENT

AMERICAN KENNEL CLUB 264.00
BOMGAARS SUPPLY 43.99
DOLLAR GENERAL 22.00
HEARTS UNITED 278.00
PLATTSMOUTH ANIMAL HOSPI 67.00

POLICE

CASS COUNTY SHERIFF 3,509.00
DELTA DENTAL PLAN 705.20
GE CAPITAL 639.00
IT'S GOT TO GO 325.00

NEBRASKA DEPT OF MOTOR V	6.60
PAYFLEX	18.18
REID RICHTER	28.76
ROBERT L. BURNETT	28.93
TILSON AUTOMOTIVE	11.40
WARGA BROADCASTING LLC	300.00
STREET	
ASPHALT & CONCRETE MATER	651.20
BOBCAT OF OMAHA	151.32
BOMGAARS SUPPLY	64.80
CINTAS CORPORATION #749	237.40
DELTA DENTAL PLAN	300.60
FARM PLAN	46.31
FASTENAL COMPANY	55.24
IMPACT MANUFACTURING	12.10
LINDER TIRE & AUTO INC	132.00
M & M CONSTRUCTION INC	2,510.00
MENARDS	117.35
NEBRASKA PUBLIC POWER DI	37.59
PAYFLEX	9.09
READY MIX CONCRETE CO	1,127.00
STATE OF NEBRASKA	15.00
STEUBE'S THRIFTWAY	3.80
TINCHER FORD-MERCURY INC	843.99
TITAN MACHINERY	17.95
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	313.60
DELTA DENTAL PLAN	104.00
EGAN SUPLLY CO	82.30
FIRST BANKCARD	1,189.67
IKON OFFICE SOLUTION	703.07
IKON OFFICE SOLUTIONS	514.77
KIRSTEN WOOD	55.00
NEBRASKA PUBLIC POWER DI	457.50
OMAHA PAPER COMPANY INC	158.50
PAYLESS OFFICE PRODUCTS	5.34
PARK & RECREATION	
BLACK HILLS ENERGY	170.13
BOMGAARS SUPPLY	90.77
EGAN SUPLLY CO	330.56
LINDER TIRE & AUTO INC	140.00
NEBRASKA PUBLIC POWER DI	90.52
PIONEER ATHLETICS	470.00
CEMETERY	
BOMGAARS SUPPLY	10.23
DELTA DENTAL PLAN	52.00
LINDER TIRE & AUTO INC	18.00
PAYFLEX	9.09
FIRE DEPARTMENT	
DANKO EMERGENCY EQUIPMEN	286.13

FORT DEARBORN LIFE INSUR	233.92
FOUR STAR LAUNDRY	54.81
HEIMAN INC	28.00
HOST COFFEE SERVICE INC	74.00
IDEAL PURE WATER	49.97
STEUBE'S THRIFTWAY	185.02
SENIOR CITIZEN CENTER	
BLACK HILLS ENERGY	178.08
COMPUTERS TO GO	99.98
EGAN SUPPLY CO	30.44
FOUR STAR LAUNDRY	128.88
OMAHA PAPER COMPANY INC	55.50
PAYLESS OFFICE PRODUCTS	155.01
COMMUNITY CENTER	
ALLISON WELCH	125.00
AMANDA MISER	25.00
BLACK HILLS ENERGY	1,602.67
BOMGAARS SUPPLY	76.95
CAITLYN HANZIK	30.00
CHARTER BUSINESS	85.53
CIT TECHNOLOGY	156.85
DEBBIE BAGGENSTOSS	150.00
DELTA DENTAL PLAN	72.30
DIANA L. POGREBA	125.00
DOLLAR GENERAL	75.50
DONNA HOLMES	100.00
FISERV	375.00
IKON OFFICE SOLUTION	592.47
JEN RUDNICK	75.00
JOY SCANLAN	96.00
KAREN MOREHEAD	125.00
KELLEY SCANLAN	50.00
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	50.00
OMAHA PAPER COMPANY INC	1,112.62
PAYFLEX	9.09
PAYLESS OFFICE PRODUCTS	75.93
SAM'S	87.52
SARAH ASCHENBRENNER	50.00
SHARI BARRIOS	150.00
VOSS LIGHTING	293.00
AQUATIC	
BLACK HILLS ENERGY	18.80
ECONOMIC DEVELOPMENT	
PLATTSMOUTH MAIN STREET	5,000.00
DEBT SERVICE	
WATER & SEWER DEPARTMENT	6,113.22
EMS	
DELTA DENTAL PLAN	72.30
LIFE-ASSIST INC	830.54

MATHESON TRI-GAS INC	69.68
VERIZON WIRELESS	105.84
WATER	
BOMGAARS SUPPLY	207.37
BURLINGTON NORTHERN	3,710.00
CENTRAL TRANSPORTATION S	1,930.74
CITY TREASURER	2,764.71
DELTA DENTAL PLAN	133.20
HAWKINS INC	416.50
HD SUPPLY WATERWORKS LTD	807.69
MISSISSIPPI LIME COMPANY	3,100.00
OLMSTED & PERRY ENGINEER	5,800.00
OMAHA DOOR & WINDOW COMP	8,292.92
PAYFLEX	9.09
PAYLESS OFFICE PRODUCTS	71.46
PETTY CASH	353.36
RGS REPAIR INC	182.62
UTILITIES SERVICE GROUP	1,028.25
SEWER	
CENTRAL UNITED LIFE INSU	265.44
UNITED STATES LIFE INSUR	30.40
BOMGAARS SUPPLY	258.04
DELTA DENTAL PLAN	156.00
HD SUPPLY WATERWORKS LTD	784.79
HDR ENGINEERING INC	2,560.14
STATE OF NEBRASKA	75.00
UTILITY EQUIPMENT COMPAN	164.77
CSO PROJECT (CLEAN WATER SRF)	
HDR ENGINEERING INC	52,413.64
NEW WATER TOWER PROJECT (DWSRF)	
HDR ENGINEERING INC	2,079.96
.05% SALES TAX STREET/SIDE MAINT	
HDR ENGINEERING INC	16,685.43
BURK TRUST	
FIRE DEPARTMENT	
HEIMAN INC	12,350.00
Total Claims	204,078.13
Total Salaries and Claims	291,240.01

Council Member Dugan requested that the names of the new members to the Plattsmouth Volunteer Fire Department (Phil Lewiston and Ashley Wojcian) be read aloud in recognition of the approval of their appointment.

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, Olmsted & Perry Consulting Engineers Inc., stated that four bids were submitted for consideration for the Water Transmission Main Replacement Project-Water Plant to BNSF Railroad R.O.W. Perry recommended award of the contract to the lowest bidder, L. G. Roloff Construction. After discussion, motion by Porter, seconded by Bowman to award the contract for the Water Transmission Main Replacement Project-Water Plant to BNSF Railroad R.O.W. to L. G. Roloff Construction. ROLL CALL: Yes-Tilson, Riese, Dugan, Derby, Porter, Kerns and Bowman. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Bowman, seconded by Riese to approve Change Order No. 8 on the Main Street Corridor Improvement Project with a Difference Net of \$3,609.96 for a revised contract price of \$5,223,773.31. ROLL CALL: Yes-Kerns, Bowman, Tilson, Riese, Dugan, Derby and Porter. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Dugan, seconded by Bowman to approve Graham Construction Application and Certificate for Pay App No. 9, Main Street Corridor Improvement Project in the amount of \$320,211.61 (Schedule A (CSO) \$218,112.34 and Schedule B (Streetscape) \$102,099.27), authorize payment and direct the Mayor to execute Pay App No. 9. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Riese and Dugan. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 8 D

Motion by Dugan, seconded by Tilson to approve amending the existing agreement between the City of Plattsmouth and Southeast Nebraska Economic Development District (SENDD) for Administration and Management of the Economic Development Loan Fund (EDLF) by including CDBG 09-DTR-101 Commercial Rehabilitation Program. Council Member Riese asked for history on SENDD and also clarification on the limits. ROLL CALL: Yes-Riese, Dugan, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Item 9 A will be heard later in the meeting due to technical problems with the power point presentation.

ITEM 9 B

Motion by Kerns, seconded by Bowman to approve Amendment No. 2: Task Order No. 1 engineering agreement with HDR, Inc. -Main Street Corridor Improvements Construction Phase Services and direct the Mayor to execute Amendment No. 2. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Derby, Porter and Kerns. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 9 C

Charles Jones, Executive Director of Plattsmouth Main Street Association presented information on The Rhino Run which will run concurrently with Motorcycles-On-Main. The event will be held at the Plattsmouth Airport on Saturday, May 21, 2011. The National Safety Council is recognizing the event and the event is the first of it's kind in the United States.

ITEM 9 A

Mike Wood, EMS Director presented the proposed Plattsmouth Emergency Medical Services graphic design. Wood did a power point presentation on a run review of a patient taken direct to the Cath Lab and bypassing the Emergency Room. The door to balloon time was 26 minutes-this is the best time per-hospital so far in Omaha.

ITEM 9 D

Mayor and Council discussed the manner in which to approach Union Pacific Railroad for either an extension of the current Highway Lease Agreement, a new agreement or to let the agreement expire without any further action. City Administrator Erv Portis stated that this would involve a section of North 15th Street behind the Masonic Home. After considerable discussion it was decided to work towards an extension of the current Highway Lease Agreement and/or ask Union Pacific Railroad to grant the land to the City of Plattsmouth. No formal action taken.

ITEM 9 E

Motion by Dugan, seconded by Bowman to direct the preparation of a resolution to the traffic control regulation at the intersection of Avenue B and North 8th Street from a Yield sign to a Stop sign. Council Member Riese asked that the procedure be clarified. Portis stated that generally the Manual of Uniform Traffic Control Devices is followed. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Riese, Dugan and Derby. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1825: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, CODIFYING THE GENERAL ORDINANCES OF THE CITY AND REPEALING ALL PRIOR ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR PUBLICATION IN

PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Bowman, seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1825 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Derby, Porter, Kerns and Bowman. No-None. Absent-Tesarek. 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 Kerns. ROLL CALL: Yes-Dugan, Derby, Porter, Kerns, Bowman, Tilson and Riese. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 G

Council member Bowman introduced a Resolution numbered and titled: RESOLUTUION NO. 11-010: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, DIRECTING THE CITY CLERK TO CAUSE ORDINANCE NO. 1825 TO BE PRINTED AND PUBLISHED IN BOOK FORM.

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-010:

RESOLUTION NO. 11-010

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, DIRECTING THE CITY CLERK TO CAUSE ORDINANCE NO. 1825 TO BE PRINTED AND PUBLISHED IN BOOK FORM.

BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska, that the City Clerk of said City be and she hereby is directed to cause Ordinance No. 1825 of the City of Plattsmouth, Nebraska, which was on this date duly passed by said City Council and approved by the Mayor of said City, to be printed and published in book form within 30 days after this date, and that said printed ordinances be kept in the custody of the City Clerk.

PASSED AND ADOPTED this 4th day of April, 2011.

/s/Mayor, R. Paul Lambert

Attest:

/s/City Clerk, Sandra J. Meyer

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

Mayor Lambert stated that ITEM 9 H will be heard after Items 10 through 12.

ITEM 9 H

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the

public interest to the discuss legal issues related to potential litigation; between the City and First Baptist Church of Plattsmouth, Nebraska and; between the City and Plattsmouth Public School District #13-001, regarding payment of water system and sanitary sewer system impact fees; and legal issues related to contract negotiations with Westside Development, Inc. related to the Development Agreement and Redevelopment Plan for Westside Commercial Development. 8:11 p.m. Motion by Riese, seconded by Tilson to convene to Executive session to protect the public interest to the discuss legal issues related to potential litigation; between the City and First Baptist Church of Plattsmouth, Nebraska and; between the City and Plattsmouth Public School District #13-001, regarding payment of water system and sanitary sewer system impact fees; and legal issues related to contract negotiations with Westside Development, Inc. related to the Development Agreement and Redevelopment Plan for Westside Commercial Development. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Riese and Dugan. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Executive Session was to protect the public interest to discuss legal issues related to potential Litigation; between the City and First Baptist Church of Plattsmouth, Nebraska and; between the City and Plattsmouth Public School District #13-001, regarding payment of water system and sanitary sewer system impact fees; and legal issues related to contract negotiations with Westside Development, Inc. related to the Development Agreement and Redevelopment Plan for Westside Commercial Development.

City Attorney, Roger Johnson stated that he will not take part in the Executive Session during the discussion of the First Baptist Church due to a conflict of interest with representing both parties.

8:43 p.m. City Attorney, Roger Johnson entered the Executive Session.

9:13 p.m. Motion by Kerns, seconded by Tilson to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 13

9:18 p.m. Motion by Porter, seconded by Tilson to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk