

PLATTSMOUTH CITY COUNCIL

June 6, 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 June 6, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Mike Bowman, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: Terry Kerns. 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.

City Administrator, Erv Portis gave the Mayor and Council an update on the flood conditions and the actions being taken to prepare for the conditions being predicted by the Corp. of Engineers. Portis stated that the City has a daily news briefing with the Corp. of Engineers. Portis also expressed the city's appreciation for all the volunteers from within the city and the surrounding communities that helped with sandbagging and other tasks as needed. Updates to the conditions due to the flooding will be posted on the City's Website (www.plattsmouth.org) and a facebook page (City of Plattsmouth Flood Preparation Update) has been set-up strictly to post flood information on.

ITEM 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

There were no mayoral proclamations.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of May 16, 2011 City Council Meeting Minutes
- B Consider approval of the appointment of the following proposed new member to the Plattsmouth Emergency Medical Services Department: Rachel Kohlhapp

- C Consider approval of the appointment of the following proposed new member to the Plattsmouth Volunteer Fire Department: Ken Baker
- D Consider approval of the Plattsmouth Volunteer Fire Department Roster
- E Consider recommendation for approval of a Special Designated License filed by the Mayden Layne Enterprises d/b/a DC's Waterhole for July 9, 2011 for a Reception at 502 South 18th Street, Plattsmouth NE from 9:00 a.m. to 1:00 a.m.
- F Consider approval of claims

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 CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 5/20/2011 not Net as before.

General Admin 12,271.22
 Humane 1,112.80
 Police 29,025.14
 Street 10,439.54
 Public Library 5,980.87
 Parks 2,952.00
 Oakhill Cemetery 1,409.28
 Community Center 7,817.00
 Senior Center 1,995.21
 Pool 39.88
 Sewer 4,283.84
 Water 7,363.60
 EMS 3,161.54
 TOTAL SALARIES 87,851.84

VARIOUS

AMERICAN FAMILY LIFE 238.34
 BLUE CROSS BLUE SHIELD 33,785.79
 CITY TREASURER-Petty Cash 86.87
 DELTA DENTAL PLAN 52.00
 FIDELITY SECURITY LIFE I 246.12
 FRATERNAL ORDER OF POLIC 195.00
 MUTUAL OF OMAHA 585.70
 PLATTSMOUTH STATE BANK 942.26
 THE UNION CENTRAL LIFE I 155.02
 UNITED STATES LIFE INSUR 91.21

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 284.28
 ALLEY POYNER MACCHIETTO 5,000.00
 BLACK HILLS ENERGY 127.05
 BLANE CANADA LTD 475.00
 BOMGAARS SUPPLY 186.18
 CASS COUNTY COURT 5.00
 CASS COUNTY REGISTER OF 6.00

CHARTER BUSINESS	40.00
DELTA DENTAL PLAN	260.00
FIRST BANKCARD	207.56
HEARTLAND TECHNOLOGY SOL	840.00
JOHN BAXTER	50.00
KATHRYN SHARP	65.00
MICROFILM IMAGING SYSTEM	90.00
NEBRASKA CITY UPHOLSTERY	138.66
NEBRASKA PUBLIC POWER DI	202.62
PAPILLION SANITATION	48.50
PAYFLEX	45.46
PAYLESS OFFICE PRODUCTS	49.39
PITNEY BOWES INC.	145.00
PLATTSMOUTH STATE BANK	77.06
SCHNEIDER AGENCY	97.00
VERIZON WIRELESS	90.31
WELLS FARGO FINANCIAL LE	177.49
WIREBUILT CO	443.26
HUMANE	
BOMGAARS SUPPLY	15.99
DOLLAR GENERAL	2.75
HEARTS UNITED	210.00
NEBRASKA HUMANE SOCIETY	70.00
NEBRASKA PUBLIC POWER DI	227.92
PLATTSMOUTH ANIMAL HOSPI	225.00
VERIZON WIRELESS	33.05
POLICE	
CASS COUNTY SHERIFF	3,509.00
DELTA DENTAL PLAN	705.20
DOLLAR GENERAL	14.00
FIRST BANKCARD	178.12
GE CAPITAL	639.00
LINDER TIRE & AUTO INC	17.00
MJN INC	400.00
PAYFLEX	18.18
PITNEY BOWES	50.00
TINCHER FORD-MERCURY INC	283.20
VERIZON WIRELESS	51.08
WARGA BROADCASTING LLC	300.00
WINDSTREAM	335.00
STREET	
BOMGAARS SUPPLY	31.32
DELTA DENTAL PLAN	300.60
FARM PLAN	30.78
MIKE DILLION	80.99
NEBRASKA PUBLIC POWER DI	6,594.36
PAPILLION SANITATION	117.66
PAYFLEX	9.09
PAYLESS OFFICE PRODUCTS	2.74
POHLMEIER CONST	393.80

VERIZON WIRELESS	141.56
PUBLIC LIBRARY	
ACCU CUT SYSTEMS	55.92
BAKER & TAYLOR BOOKS	1,449.80
BARBARA MILLER	20.43
CENTER POINT LARGE PRINT	285.18
CHARTER BUSINESS	40.00
DELTA DENTAL PLAN	104.00
FIRST BANKCARD	946.44
IKON OFFICE SOLUTION	33.28
IKON OFFICE SOLUTIONS	378.78
KAREN MIER 84300	
NEBRASKA LIBRARY COMMISS	67.25
NEBRASKA PUBLIC POWER DI	458.37
NEBRASKA STATE HISTORICA	75.00
OMAHA WORLD HERALD	205.40
SEEPOINT TECHNOLOGY LLC	272.70
WINDSTREAM	118.00
PARK & RECREATION	
BLACK HILLS ENERGY	38.84
BOMGAARS SUPPLY	68.63
JOHN DEERE CREDIT	1,559.55
MULLENAX AUTO SUPPLY	573.73
NEBRASKA PUBLIC POWER DI	146.77
PAPILLION SANITATION	95.35
VERIZON WIRELESS	35.39
CEMETERY	
BOMGAARS SUPPLY	43.80
DELTA DENTAL PLAN	52.00
MULLENAX AUTO SUPPLY	37.67
NEBRASKA PUBLIC POWER DI	30.51
PAYFLEX	9.09
FIRE	
ALARM PROS	56.25
Columbus Telegram	56.00
FORT DEARBORN LIFE INSUR	233.92
HOWARD JOHNSON RIVERSIDE	1,290.00
NEBRASKA STATE VOLUNTEER	700.00
IRS-501C3 filing	400.00
SENIOR CITIZEN CENTER	
BLACK HILLS ENERGY	48.81
EGAN SUPPLY CO	222.94
FOUR STAR LAUNDRY	197.34
PAYLESS OFFICE PRODUCTS	2.74
PLATTSMOUTH STATE BANK	135.00
UNITED STATES POST OFFIC	88.00
COMMUNITY CENTER	
ALLISON WELCH	150.00
ALYSSA L STANDER	101.25
AMANDA MISER	150.00

BLACK HILLS ENERGY	409.26
BOMGAARS SUPPLY	33.90
CHARTER BUSINESS	85.53
CIT TECHNOLOGY	266.59
DEBBIE BAGGENSTOSS	125.00
DELTA DENTAL PLAN	72.30
DIANA L. POGREBA	150.00
DONNA HOLMES	100.00
EGAN SUPPLY CO	287.60
FIRST BANKCARD	428.00
FIRST WATCH INC	240.00
FISERV	187.50
FOUR STAR LAUNDRY	58.86
KAREN MOREHEAD	100.00
KELLEY SCANLAN	75.00
MARY HOLLY ALLEN	25.00
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	100.00
PAPILLION SANITATION	95.28
PAYFLEX	9.09
PAYLESS OFFICE PRODUCTS	2.74
PEGGY WILSEY MILEAGE	11.50
RACHEL MCDONNELL	41.25
SARAH ASCHENBRENNER	50.00
SHARI BARRIOS	90.00
TRACEY SARVIS	264.83
VERIZON WIRELESS	71.58
AQUATIC	
AQUA CHEM INC	2,056.39
ATLAS AWNING COMPANY	250.00
BLACK HILLS ENERGY	1,132.44
BOMGAARS SUPPLY	170.13
EGAN SUPPLY CO	1,061.14
FASTENAL COMPANY	17.33
IMPACT MANUFACTURING	44.18
LOGAN CONTRACTORS SUPPLY	99.95
MENARDS	886.97
NEBRASKA PUBLIC POWER DI	294.50
PAPILLION SANITATION	239.76
PEPSI COLA	2,004.25
PLATTSMOUTH STATE BANK	400.00
ECONOMIC DEVELOPMENT	
PSB Hall Prop Pymt	42,826.66
ECONOMIC DEV - DTR PHASE 2	
JAMES P ULRICH	250.00
DEBT SERVICE	
PSB- Bond Pymt	15,385.00
WATER & SEWER DEPARTMENT LOC	6,113.22
WELLS FARGO Fire Bond	35,072.50
EMS	

D & D COMMUNICATIONS INC	35.76
DELTA DENTAL PLAN	72.30
JOHN'S APPLIANCE	13.96
MATHESON TRI-GAS INC	158.68
MULLENAX AUTO SUPPLY	58.19
STRATUS SPECIALTY VEHICL	79,458.00
TINCHER FORD-MERCURY INC	676.83
VERIZON WIRELESS	105.72
WIREBUILT CO	50.00
WATER	
DELTA DENTAL PLAN	133.20
NDEQ - FISCAL SERVICES	90,132.32
NEBRASKA PUBLIC POWER DI	6,743.38
PAYFLEX	9.09
PAYLESS OFFICE PRODUCTS	2.76
VERIZON WIRELESS	106.17
WATER DEPARTMENT-PETTY CASH	379.84
SEWER	
BLUE CROSS BLUE SHIELD	2,425.76
CENTRAL UNITED LIFE INSU	265.44
Charles Jones	100.00
MUTUAL OF OMAHA	18.96
UNITED STATES LIFE INSUR	30.40
BLACK HILLS ENERGY	422.45
DELTA DENTAL PLAN	156.00
FRONTIER BAG COMPANY	2,475.00
NEBRASKA PUBLIC POWER DI	2,222.16
PAPILLION SANITATION	36.51
VERIZON WIRELESS	35.39
DRUG FORFEITURE	
NEXTEL PARTNERS	99.98
CSO PROJECT (CLEAN WATER SRF)	
JENNIFER & ROBERT ROBY	1.00
NDEQ - FISCAL SERVICES-Int	3,631.99
NEW WATER TOWER PROJECT (DWSRF)	
NDEQ - FISCAL SERVICES- LN PYMT	26,187.48
Total Claims 321,105.52	
Total Salaries and Claims 408,957.36	

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Pursuant to publication, the Mayor opened a public hearing at 7:30 p.m. to receive public input on the application submitted by Reinsch, Slattery, Bear and Minahan P.C., L.L.O. for a façade improvement grant of \$5,000.00 and a loan of \$22,609.00 from Community Development Block

Grant 09-DTR101 for improvements to the façade at 545 Main Street, Plattsmouth Nebraska. No one spoke. The Mayor closed the public hearing at 7:31 p.m.

ITEM 8 B

Motion by Bowman, seconded by Tilson to approve the Main Street Façade Improvement Program loan and grant application of Reinsch, Slattery, Bear & Minahan, P.C., L.L.O. from Community Development Block Grant 09-DTR101 and authorize the Mayor to execute the Loan Agreement allowing for total proceeds of \$26,762.00 repaid at 0% interest over 5 years with the \$5,000.00 remaining balance constituting a grant if the first 60 payments on the promissory note are timely made and contingent upon receiving from Reinsch, Slattery, Bear & Minahan, P.C., L.L.O. the following executed documents: Loan Agreement, Promissory Note, Deed of Trust, and personal guaranties signed by William R. Reinsch, E. Michael Slattery, Julie E. Bear and Angela Minihan. Erv Portis, City Administrator stated that this was the first application for the Façade Program. He reviewed the plans for the Façade Improvement. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Discussion was had relating to a revised version of the redevelopment plan for certain of the properties included in Westside Commercial Addition. The Clerk noted that the Planning Commission had considered and approved the prior version of the plan of Westside Development, LLC. The City Administrator noted that no action had been taken on such plan by the Mayor and Council and that the proposed plan had been revised. The City Administrator also noted the need to provide for a hearing before the Mayor and Council upon the revised plan. Thereupon, Council Member Pat Dugan offered the following resolution and moved its adoption:

RESOLUTION NO. 11-018

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO PROVIDE FOR A HEARING ON THE REDEVELOPMENT PLAN FOR LOTS 2 THROUGH 9 OF WESTSIDE COMMERCIAL ADDITION AND THE REFERRAL OF SUCH REVISED PLAN TO THE PLANNING COMMISSION.

BE IT RESOLVED BY THE MAYOR AND COUNCIL, as follows:

Section 1. The Mayor and Council hereby find and determine that pursuant to the provisions of the Community Development Law (Neb. Rev. Stat. §§ 18-2101 to 18-2144 (Reissue 2007), as amended, the “Act”), the Community Development Agency of the City of Plattsmouth (the “Agency”) has been presented with a redevelopment plan entitled “Redevelopment Plan Plattsmouth Plaza Redevelopment Area” (the “Plan”) for the following described real estate which is in an area that has been previously determined to be substandard and blighted and in need of redevelopment:

Lots 2 through 9, inclusive, Westside Commercial Addition to the City of Plattsmouth, Cass County, Nebraska, as surveyed, platted and recorded (the "Project Area").

Section 2. The Mayor and Council further find and determine that pursuant to Section 18-2115 of the Act, it is necessary to hold a public hearing on the Plan and that such Plan (as revised) should be referred to the Planning Commission for review in accordance with the Act.

Section 3. The City Clerk's actions in setting June 20, 2011 at 7:00 p.m. as the time for hearing and actions relating to publication of notice as required by law are hereby approved and confirmed.

Section 4. Referral of the revised Plan for the Project Area to the Planning Commission is hereby approved and confirmed.

PASSED AND APPROVED this 6th day of June, 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Council Member Doug Derby seconded the motion. City Attorney Roger Johnson read Resolution No. 11-018 in to the record. Upon roll call vote the following Council Members voted "Yes": Mike Bowman, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. The following Council Members voted "No": None. The following Council Member was absent: Terry Kerns. The Mayor declared the resolution adopted.

ITEM 9 B

Motion by Bowman, seconded by Riese to accept the Petition for Annexation from Westside Development, Inc. and refer the Petition for Annexation to the Plattsmouth Planning Commission to consider at their June 16, 2011 meeting. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Bowman, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Porter, seconded by Tilson to approve the Street Closing/Event Permit Application submitted by DC's Waterhole for the closing of the City Parking Lot (between Main Street to 1st Ave. and 4th Street to 5th Street) on June 25, 2011 from 1:00 p.m. to 4:00 p.m. to accommodate over 400 motorcycles participating in the Breast Cancer Poker Run contingent on the submission of the required insurance. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Riese, Dugan and Tesarek. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Riese, seconded by Porter to approve Change Order No. 9 on the Main Street Corridor Improvement Project with a Difference Net of \$9,642.45 for a revised contract price of \$5,233,415.76. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Bowman, seconded by Riese to approve Graham Construction Application and Certificate for Pay App No. 11, Main Street Corridor Improvement Project in the amount of \$236,805.66 (Schedule A (CSO) \$113,299.54 and Schedule B (Streetscape) \$123,506.12), authorize payment and direct the Mayor to execute Pay App No. 11. ROLL CALL: Yes-Porter, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Tilson, seconded by Dugan to ratify an agreement between the City of Plattsmouth, Nebraska, and the City of Lincoln, Nebraska, for Plattsmouth's use of the City of Lincoln's Godwin Emergency Standby pump (Model No. CD150M-6, Serial No. 054170136 and various hoses, for Plattsmouth's emergency flood related needs on a temporary basis. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Dugan, seconded by Porter to authorize expenditures, contracts and obligations for Plattsmouth's emergency flood related needs, including expenditures, contracts, and obligations in excess of or in violation of existing statutory limitations or requirements, contingent upon receipt of a certificate from the Cass County Emergency Management Director that such action is necessary in the public interest for emergency management purposes. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Bowman, seconded by Tilson to award the contract for the purchase of an Arena Style Portable Stage System (32' x 40' ME-1000 All Terrain Stage System 36" – 56" Adjustable Height) to the only bidder, StageRight Corporation, at a purchase price of \$39,040.00. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 J

Motion by Derby, seconded by Riese to approve the purchase of equipment to upgrade the Patron Computers at the Plattsmouth Public Library: \$10,000.00 was budgeted this fiscal year for this expenditure with other monies coming from grants and donations. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Bowman, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 10 STREET COMMITTEE

Mike Bowman, Chairman of the Street Committee had nothing to report

ITEM 13

8:08 p.m. Motion by Tesarek, seconded by Tilson to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk