

PLATTSMOUTH CITY COUNCIL

August 1, 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 August 1, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Mike Bowman, Steve Riese and Pat Dugan. Council Members Absent: Terry D. Tilson, 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 DELEGATION

Mabel Rodabaugh, 1702 Avenue D-requested that Council consider banning the setting off of fireworks after the 4th of July due to issues with the neighbors. Rodabaugh also inquired as to placement of signs on her property.

Charles Jones, Executive Director of Plattsmouth Main Street Association informed the Mayor and Council that the Plattsmouth Main Street Association received 10 awards at the Annual Heritage Nebraska Awards in York, Nebraska. Jones briefly spoke on each award and thanked all of the volunteers associated with the Plattsmouth Main Street Association.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of July 21, 2011 Special City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for September 17, 2011 for a Reception at 308 South 18th Street, Plattsmouth NE from 9:00 a.m. to 1:00 a.m.
- C Consider approval of the appointment of the following proposed new member to the Plattsmouth Emergency Medical Services Department: Molly Chestnut

D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 7/18/2011 not Net as before

General Admin 12,271.22

Humane 1,112.80

Police 29,025.41

Street 11,144.24

Public Library 6,087.36

Parks 2,608.00

Oakhill Cemetery 1,409.28

Community Center 7,100.14

Senior Center 1,904.10

Pool 10,409.35

Sewer 5,553.06

Water 10,655.04

EMS 3,161.54

TOTAL SALARIES 102,441.54

Various

AMERICAN FAMILY LIFE 238.34

BLUE CROSS BLUE SHIELD 32,889.80

BOMGAARS 1294.43

DELTA DENTAL PLAN 52.00

MUTUAL OF OMAHA 578.84

PSB 1413.39

THE UNION CENTRAL LIFE I 155.02

Eye Med 246.12

The Central United Life 265.44

GENERAL ADMINISTRATION

ALLEY POYNER MACCHIETTO 2,500.00

DELTA DENTAL PLAN 260.00

PAYLESS OFFICE PRODUCTS 89.84

PITNEY BOWES INC. 145.00

VERIZON WIRELESS 91.59

WELLS FARGO FINANCIAL LE 335.26

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 30.49

HEARTS UNITED 35.00

LAMBERT VET SUPPLY 83.99

NEBRASKA HUMANE SOCIETY 35.00

VERIZON WIRELESS 32.91

POLICE

CASS COUNTY SHERIFF 3,509.00

DELTA DENTAL PLAN 612.60

KAHLER CONSTRUCTION 2,008.00

KBY CONSTRUCTION INC 840.00

MATTHEW J. GLUP 725.00

MJN INC 500.00

O'REILLY AUTOMOTIVE INC	72.59
PITNEY BOWES INC.	351.93
VERIZON WIRELESS	68.40
WARGA BROADCASTING LLC	300.00
STREET	
ASPHALT & CONCRETE MATER	621.50
BLACK HILLS ENERGY	46.25
CONWAY OIL COMPANY	1,361.91
DELTA DENTAL PLAN	300.60
FASTENAL COMPANY	16.29
NEBRASKA PUBLIC POWER DI	86.24
PLATTSMOUTH READY MIX IN	291.84
VERIZON WIRELESS	135.12
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	385.67
DELTA DENTAL PLAN	104.00
DEMCO	51.05
DOLLAR GENERAL	15.75
EBSCO SUBSCRIPTION SERVI	1,514.38
IKON OFFICE SOLUTIONS	378.78
KIRSTEN WOOD	65.35
NPPD	1072.54
Windsteam	49.05
PARK & RECREATION	
BLACK HILLS ENERGY	18.60
LINDER TIRE & AUTO INC	293.10
NEBRASKA PUBLIC POWER DI	179.33
ODEYS INC	231.90
PROFESSIONAL WASTE WATER	100.00
VERIZON WIRELESS	33.78
CEMETERY	
DELTA DENTAL PLAN	52.00
NEBRASKA PUBLIC POWER DI	25.95
FIRE DEPARTMENT	
ALAMAR UNIFORMS	40.48
D & D LASER INC	187.35
FORT DEARBORN LIFE INSUR	196.08
FOUR STAR LAUNDRY	8.87
HIGGINS HARDWARE	43.56
MULLENAX AUTO SUPPLY	44.25
NEBRASKA PUBLIC POWER DI	294.68
SENIOR CITIZEN CENTER	
BLACK HILLS ENERGY	12.78
NEBRASKA PUBLIC POWER DI	1,046.21
PAYLESS OFFICE PRODUCTS	33.29
COMMUNITY CENTER	
ADVANCED OFFICE AUTOMATI	53.26
ALLISON WELCH	75.00
ASSOCIATED SUPPLY CO	148.02
BLACK HILLS ENERGY	114.97

CHARTER BUSINESS	88.86
DAVE STEINKRUGER	50.00
DELTA DENTAL PLAN	72.30
DIANA L. POGREBA	125.00
FISERV	187.50
FOUR STAR LAUNDRY	255.06
JAMIE ZIMMERER	37.50
KAREN MOREHEAD	150.00
KELLEY SCANLAN	75.00
MENARDS	4.47
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	225.00
NEBRASKA PUBLIC POWER DI	9,415.82
PERMITE CO OF NEB AND IA	125.00
SARAH ASCHENBRENNER	75.00
SHARI BARRIOS	60.00
VERIZON WIRELESS	68.34
AQUATIC	
AQUA CHEM INC	560.00
BLACK HILLS ENERGY	1,615.74
GALVIN GLASS	238.93
JAMIE ZIMMERER	39.38
PEPSI COLA	735.50
ECONOMIC DEVELOPMENT	
SOUTHEAST NE DEV DISTRIC	56.07
DEBT SERVICE	
WATER & SEWER DEPARTMENT	6,113.22
EMS	
D & D LASER INC	187.35
DELTA DENTAL PLAN	72.30
FOUR STAR LAUNDRY	45.67
HOLIDAY INN OF KEARNEY	340.00
HOST COFFEE SERVICE INC	74.00
METRO BILLING SERVICES	540.00
NEBRASKA PUBLIC POWER DI	294.67
VERIZON WIRELESS	105.81
WIREBUILT CO	50.00
WATER	
BOMGAARS SUPPLY	1,346.57
DELTA DENTAL PLAN	133.20
FASTENAL COMPANY	15.86
FIRST BANKCARD	120.00
GRAINGER	306.66
HAWKINS INC	613.00
HDR ENGINEERING INC	4,485.21
LAMOTTE CO	179.80
MENARDS	143.68
METAL SHOP CUSTOM WELDIN	2,572.06
MISSISSIPPI LIME COMPANY	5,145.00
MULLENAX AUTO SUPPLY	357.68

NE PUBLIC HEALTH ENVIRON	186.00
NEBRASKA PUBLIC POWER DI	25.04
NEBRASKA SAFETY COUNCIL	132.50
OMAHA SLINGS INC	82.50
PLATTSMOUTH READY MIX IN	330.26
TMC	1,087.28
VERIZON WIRELESS	101.34
SEWER	
BLUE CROSS BLUE SHIELD	2,425.76
MUTUAL OF OMAHA	18.96
BOMGAARS SUPPLY	273.00
DELTA DENTAL PLAN	156.00
DPC INDUSTRIES INC	45.00
HDR ENGINEERING INC	4,485.21
HIGGINS HARDWARE	680.51
MIDWEST LABORATORIES INC	2,074.00
MULLENAX AUTO SUPPLY	331.96
NEBRASKA SAFETY COUNCIL	132.50
NMC EXCHANGE LLC	955.00
RAILROAD MANAGEMENT COMP	109.81
VERIZON WIRELESS	33.78
KENO	
SSRJ INC DBA PLATTSMOUTH	326.81
DRUG FORFEITURE	
NEXTEL PARTNERS	99.98
CSO PROJECT (CLEAN WATER SRF)	
CASS COUNTY REGISTER OF	16.00
HDR ENGINEERING INC	20,364.85
.05% SALES TAX STREET/SIDE MAINT	
HDR ENGINEERING INC	21,428.36
PLATTSMOUTH STATE BANK	20.00
Total Claims	\$158,809.37
Total Claims and Salaries	\$261,250.91

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest in regard to negotiating an Interlocal Agreement between the City of Plattsmouth, Nebraska and Cass County Rural Water District No. 1 and Sanitary Improvement District No. 5 of Cass County Nebraska and a Supplementary Agreement by and among the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1 and Beaver Lake Association to provide Emergency Water Supply and to discuss legal issues arising from a possible agreement with Cass County pursuant to the Interlocal Cooperation Act and potential rights and obligations of the City related thereto. 7:16 p.m. Motion by Bowman, seconded by Kerns to convene to Closed Session to

protect the public interest in regard to negotiating an Interlocal Agreement between the City of Plattsmouth, Nebraska and Cass County Rural Water District No. 1 and Sanitary Improvement District No. 5 of Cass County Nebraska and a Supplementary Agreement by and among the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1 and Beaver Lake Association to provide Emergency Water Supply and to discuss legal issues arising from a possible agreement with Cass County pursuant to the Interlocal Cooperation Act and potential rights and obligations of the City related thereto. ROLL CALL: Yes-Riese, Dugan, Porter, Kerns and Bowman. No-None. Absent-Tilson, Tesarek and Derby. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest in regard to negotiating an Interlocal Agreement between the City of Plattsmouth, Nebraska and Cass County Rural Water District No. 1 and Sanitary Improvement District No. 5 of Cass County Nebraska and a Supplementary Agreement by and among the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1 and Beaver Lake Association to provide Emergency Water Supply and to discuss legal issues arising from a possible agreement with Cass County pursuant to the Interlocal Cooperation Act and potential rights and obligations of the City related thereto.

City Attorney, Roger Johnson was excluded from the Closed Session for the discussion on the negotiations of an Interlocal Agreement between the City of Plattsmouth, Nebraska and Cass County Rural Water District No. 1 and Sanitary Improvement District No. 5 of Cass County Nebraska and a Supplementary Agreement by and among the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1 and Beaver Lake Association to provide Emergency Water Supply.

Public Works Director, Gary Hellwig was included in the Closed Session.

7:39 p.m. Motion by Dugan, seconded by Riese to reconvene in Regular Session. On a voice vote, MOTION CARRIED.

ITEM 8 B

Motion by Dugan, seconded by Porter to approve the revised Supplementary Agreement for Emergency Water Supply by and among City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1 and Beaver Lake Association and direct the Mayor to execute the agreement. ROLL CALL: Yes-Bowman, Riese, Dugan, Porter and Kerns. No-None. Absent-Tilson, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 C

The consideration of 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 was laid over to a future meeting.

ITEM 8 D

Council Member Riese moved to authorize the closure of Hwy 34 on Main Street from 3rd Street to 6th Street for the Harvest Festival (September 7, 2011 noon to September 11, 2011 at 8:00 a.m.), therein acknowledging the acceptance of the duties set out in subsection (2) of LB589 and agreement to indemnify, defend, and hold harmless the state from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the closing contingent upon meeting all requirements set out in Resolution No. 11-009 adopted by the Plattsmouth City Council on March 21, 2011. Council Member Porter seconded the foregoing motion and upon roll call the following Council Members voted Yes: Kerns, Bowman, Riese, Dugan and Porter. The following voted No: None. The following Council Members Absent: Tilson, Tesarek and Derby. Whereupon the foregoing motion passed.

ITEM 9 – CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication the Mayor opened a public hearing at 7:43 p.m. with regard to the Imposition of a special assessment on real estate at 1602 Avenue B legally described as PLATTS-DUKES ADD LOTS 9 TO 12 & ½ VAC SPRINGS ST EXC E10' OF LOT 12 FOR RR ROW BLK 6 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Amber Gudgell, representative of the Plattsmouth Police Department spoke in favor of the special assessment. She reviewed the summary of events and presented Exhibit 9A for the record. No one else spoke in favor or opposition to the special assessment. Mayor Lambert closed the public hearing at 7:46 p.m.

ITEM 10 – RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

ITEM 10 A

Council Member Bowman introduced a Resolution numbered and titled: **Resolution No. 11-023: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Dugan to adopt Resolution No. 11-023:

RESOLUTION NO. 11-023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 1602 Avenue B failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$247.26; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1602 Avenue B, Plattsmouth, Nebraska; PLATTS-DUKES ADD LOTS 9 TO 12 & ½ VAC SPRING ST EXC E10' OF LOT 12 FOR RR ROW BLK 6 specially benefitted the same in the amount of \$247.26 and that said amount is hereby levied against said property which shall be due in a single payment not later than September 19, 2012, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before September 19, 2011, which is 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 certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading 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 1st day of August 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 11-023 in to the record.

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

ITEM 11 B

Motion by Kerns, seconded by Riese to approve Graham Construction Application and Certificate for Pay App No. 13, Main Street Corridor Improvement Project in the amount of \$117,376.23 (Schedule A (CSO) \$22,982.90 and Schedule B (Streetscape) \$94,393.33), authorize payment and direct the Mayor to execute Pay App No. 13. ROLL CALL: Yes-Bowman, Riese, Dugan, Porter and Kerns. No-None. Absent-Tilson, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 11 C

Motion by Porter, seconded by Kerns to approve the request of Steve Rathman, Chief of Police to purchase seven (7) Panasonic CF-31 laptop computers and related software at a total price of

\$51,121.00 which expense will be reimbursed by the Nebraska Crime Commission due to the award of a grant. Council discussed current situation with computers in the cruisers and questioned if the request would also include a mobile data connection. ROLL CALL: Yes-Riese, Dugan, Porter, Kerns and Bowman. No-None. Absent-Tilson, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 11 D

Motion by Bowman, seconded by Riese to the authorize the purchase of a Peerless cast iron boiler with an output of 584,000 MBH from American Boiler Company, 2424 Deer Park Boulevard, Omaha, at a price of \$28,989.00 to replace the irreparable boiler at City Hall which is covered by insurance. ROLL CALL: Yes-Dugan, Porter, Kerns, Bowman and Riese. No-None. Absent-Tilson, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 11 E

Motion by Riese, seconded by Bowman to receive the Plattsmouth Airport Authority Resolution No. 11-003: Airport Authority tax request for budget year 2011-2012. ROLL CALL: Yes-Kerns, Bowman, Riese, Dugan and Porter. No-None. Absent-Tilson, Tesarek and Derby. Abstain-None. MOTION CARRIED.

ITEM 11 F

City Administrator, Erv Portis reviewed the preliminary Fiscal Year 2011/2012 General Fund budget.

ITEM 15

8:14 p.m. Motion by Porter, seconded by Riese to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk