

PLATTSMOUTH CITY COUNCIL  
July 2, 2012

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:05 o'clock p.m. on July 2, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin 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 4-CITIZEN DELEGATION

No one spoke at citizen delegation

ITEM 5-MAYORAL PROCLAMATIONS

There were no Mayoral proclamations.

ITEM 6-CONSENT AGENDA:

Council Member Tilson stated that he would like Items B and C of the Consent Agenda considered separately.

Motion by Dugan, seconded by Riese to approve Items A and D of the consent agenda as presented:

- A Consider approval of June 18, 2012 Plattsmouth City Council Meeting Minutes
- B Consider approval of the appointment of the following proposed new member to the Plattsmouth EMS Department: Jacob Blunt
- C Consider approval of the appointment of the following proposed new member to the Plattsmouth EMS Department: Eric Reichwaldt
- D Consider approval of claims

Please note these are GROSS SALARIES 6/15/2012 not Net as before

General Admin 14,653.52

Humane 1,146.40

EMS 6,110.39

Police 31,698.34

Street 10,751.57

Public Library 6,504.77

Parks 3,377.00

Oakhill Cemetery 1,349.60

Senior Center 1,845.56

Community Center 8,008.12

Pool 8,908.54

Water 6,702.69

Sewer 5,485.39

CBD 570.00

TOTAL SALARIES 106,541.89

#### VARIOUS

Shell 5,768.78

BLUE CROSS BLUE SHIELD 2,425.75

MUTUAL OF OMAHA 18.96

MUTUAL OF OMAHA 57.01

AMERICAN FAMILY LIFE ASS 215.59

ANDREW KENNAN 106.98

BLUE CROSS BLUE SHIELD 34,222.68

DELTA DENTAL PLAN 53.55

MUTUAL OF OMAHA 548.69

Ne State Patrol 250.00

PLATTSMOUTH STATE BANK 1,651.68

THE UNION CENTRAL LIFE I 155.02

#### GENERAL ADMINISTRATION

BLACK HILLS ENERGY 22.25

CASS COUNTY TREASURER 5,869.50

DELTA DENTAL PLAN 288.65

DERBY'S HEATING AND AIR 304.90

FERGUSON ENTERPRISES 15.00

FIRST BANKCARD 60.74

JOHN BAXTER 50.00

PAPILLION SANITATION 92.20

|                          |          |
|--------------------------|----------|
| PAYFLEX                  | 40.02    |
| PITNEY BOWES             | 156.61   |
| PITNEY BOWES INC.        | 216.00   |
| RDG PLANNING & DESIGN    | 1,042.50 |
| SARAH BERTRAND           | 650.00   |
| SPRAGUE ELECTRIC         | 361.74   |
| TERRY LITTLE             | 250.00   |
| WELLS FARGO FINANCIAL LE | 177.49   |
| HUMANE/CODE ENFORCEMENT  |          |
| BOMGAARS SUPPLY          | 20.78    |
| NEBRASKA HUMANE SOCIETY  | 70.00    |
| SUE BAKER                | 24.00    |
| POLICE                   |          |
| BOMGAARS SUPPLY          | 3.99     |
| CASS COUNTY SHERIFF      | 3,509.00 |
| DELTA DENTAL PLAN        | 672.65   |
| FIRST BANKCARD           | 492.99   |
| GE CAPITAL               | 639.00   |
| JACK'S UNIFORMS & EQUIPM | 3,217.43 |
| MJN INC                  | 300.00   |
| PAYFLEX                  | 26.68    |
| POLICE PETTY CASH        | 66.47    |
| TILSON AUTOMOTIVE        | 32.50    |
| WARGA BROADCASTING LLC   | 300.00   |
| STREET                   |          |
| BLACK HILLS ENERGY       | 39.22    |
| DELTA DENTAL PLAN        | 309.55   |
| EGAN SUPPLY CO           | 55.12    |
| JOHN DEERE CREDIT        | 10.76    |
| MENARDS                  | 67.94    |
| MICHAEL TODD & COMPANY I | 206.05   |
| NEBRASKA PUBLIC POWER DI | 44.66    |
| Olmsted Perry            | 60.42    |
| PAYFLEX                  | 6.66     |
| LIBRARY                  |          |
| BAKER & TAYLOR BOOKS     | 445.97   |
| BLACK HILLS ENERGY       | 21.07    |
| COMPUTERS TO GO          | 44.97    |
| D & D LASER INC          | 69.90    |
| DELTA DENTAL PLAN        | 107.10   |
| EBSCO SUBSCRIPTION SERVI | 1,460.79 |
| FIRST BANKCARD           | 1,744.48 |
| GALE GROUP INC           | 52.50    |

|                          |          |
|--------------------------|----------|
| HOUCHEN BINDERY LTD      | 225.00   |
| MICROFILM IMAGING SYSTEM | 380.00   |
| NEBRASKA PUBLIC POWER DI | 789.80   |
| O'KEEFE ELEVATOR CO INC  | 154.00   |
| PARK & REC               |          |
| BLACK HILLS ENERGY       | 18.60    |
| BOMGAARS SUPPLY          | 50.93    |
| NEBRASKA PUBLIC POWER DI | 131.79   |
| PROFESSIONAL WASTE WATER | 125.00   |
| STEPHEN C. WARGA         | 9.00     |
| CEMETERY                 |          |
| DELTA DENTAL PLAN        | 53.55    |
| NEBRASKA PUBLIC POWER DI | 29.57    |
| PAYFLEX                  | 6.66     |
| FIRE                     |          |
| BILL DUDEK               | 84.37    |
| BLACK HILLS ENERGY       | 17.38    |
| BRIAN WUELLING           | 84.37    |
| BRITTANY REISSIG         | 202.05   |
| DEBBIE KNOPIK            | 22.50    |
| EGAN SUPPLY CO           | 97.65    |
| ERIC GRIMSHAW            | 378.03   |
| FORT DEARBORN LIFE INSUR | 209.84   |
| FOUR STAR LAUNDRY        | 10.18    |
| GREG CLIFTON             | 204.50   |
| HEIMAN INC               | 614.17   |
| HOWARD JOHNSON RIVERSIDE | 1,290.00 |
| ISAIAH NIELSON           | 310.23   |
| JIM PACZKOWSKI           | 22.50    |
| MICHAEL WILSON           | 281.24   |
| NEBRASKA PUBLIC POWER DI | 188.66   |
| NEBRASKA STATE VOLUNTEER | 100.00   |
| OFE OIL INC.             | 1,461.90 |
| ROBERT HECKMAN           | 298.60   |
| SENIOR CITIZEN CTR       |          |
| BLACK HILLS ENERGY       | 10.21    |
| FOUR STAR LAUNDRY        | 103.44   |
| PAYLESS OFFICE PRODUCTS  | 35.99    |
| COMMUNITY CENTER         |          |
| ADVANCED OFFICE AUTOMATI | 80.43    |
| ALLISON WELCH            | 125.00   |
| BLACK HILLS ENERGY       | 91.91    |
| CHARTER BUSINESS         | 94.87    |

|                          |          |
|--------------------------|----------|
| DEBBIE BAGGENSTOSS       | 125.00   |
| DELTA DENTAL PLAN        | 74.45    |
| DIANA L. POGREBA         | 50.00    |
| JOYCE HICKS              | 75.00    |
| KAREN MOREHEAD           | 175.00   |
| KELLEY STEELE            | 150.00   |
| LAUREN GEORGE            | 25.00    |
| LINDA HAUENSTEIN         | 50.00    |
| MECHANICAL SALES INC     | 4,868.00 |
| MICHAEL ANZALONE         | 150.00   |
| MICHELLE MCKNIGHT        | 75.00    |
| PAYFLEX                  | 6.66     |
| SARAH ASCHENBRENNER      | 100.00   |
| SHARI BARRIOS            | 120.00   |
| AQUATIC                  |          |
| AMERICAN RED CROSS HEART | 203.00   |
| AQUA CHEM INC            | 1,328.15 |
| BLACK HILLS ENERGY       | 1,567.89 |
| DOLLAR GENERAL           | 142.80   |
| ELIFEGUARD INC           | 80.88    |
| FERGUSON ENTERPRISES     | 222.29   |
| PEPSI COLA               | 1,234.10 |
| THE THOMPSON COMPANY     | 3,483.26 |
| ECONOMIC DEVELOPMENT     |          |
| DITCH WITCH OF OMAHA     | 435.00   |
| FERGUSON ENTERPRISES     | 1,177.76 |
| MENARDS                  | 19.48    |
| PLATTSMOUTH MAIN STREET  | 5,000.00 |
| PLATTSMOUTH READY MIX IN | 440.53   |
| WATKINS CONCRETE BLOCK C | 4,255.34 |
| DEBT SERVICE             |          |
| WATER & SEWER DEPARTMENT | 6,113.22 |
| EMS                      |          |
| BLACK HILLS ENERGY       | 17.38    |
| BOUND TREE MEDICAL LLC   | 1,265.36 |
| CENTRAL COMMUNITY COLLEG | 495.00   |
| D & D COMMUNICATIONS INC | 287.50   |
| DELTA DENTAL PLAN        | 74.45    |
| EGAN SUPPLY CO           | 97.66    |
| FOUR STAR LAUNDRY        | 45.28    |
| HEARTLAND TECHNOLOGY SOL | 135.00   |
| HIGGINS HARDWARE         | 12.98    |
| IDEAL PURE WATER         | 76.75    |

|       |                                  |            |
|-------|----------------------------------|------------|
|       | MATHESON TRI-GAS INC             | 206.14     |
|       | METRO BILLING SERVICES           | 425.00     |
|       | MULLENAX AUTO SUPPLY             | 4.50       |
|       | NEBRASKA PUBLIC POWER DI         | 188.66     |
|       | OMAHA DOOR & WINDOW COMP         | 1,165.29   |
|       | PREMIER HEALTH CARE SERV         | 2,500.00   |
|       | VERIZON WIRELESS                 | 40.50      |
| WATER |                                  |            |
|       | BLACK HILLS ENERGY               | 39.10      |
|       | BOMGAARS SUPPLY                  | 415.86     |
|       | CASS COUNTY TREASURER            | 2,621.71   |
|       | DELTA DENTAL PLAN                | 169.80     |
|       | EGAN SUPPLY CO                   | 87.91      |
|       | HAWKINS INC                      | 329.00     |
|       | HDR ENGINEERING INC              | 3,188.36   |
|       | JOHN DEERE CREDIT                | 53.20      |
|       | LAYNE CHRISTENSEN COMPAN         | 6,214.37   |
|       | LINDER TIRE & AUTO INC           | 56.40      |
|       | MICHAEL TODD & COMPANY I         | 206.05     |
|       | MISSISSIPPI LIME COMPANY         | 3,361.50   |
|       | NEBRASKA PUBLIC POWER DI         | 134.86     |
|       | Olmsted Perry                    | 60.41      |
|       | PAYFLEX                          | 6.66       |
|       | PAYLESS OFFICE PRODUCTS          | 58.89      |
|       | TRISTYN BLOCK                    | 35.00      |
|       | WENTZ HOLDING LLC                | 750.00     |
| SEWER |                                  |            |
|       | BLACK HILLS ENERGY               | 245.04     |
|       | BOMGAARS SUPPLY                  | 165.38     |
|       | CASS COUNTY TREASURER            | 1,291.29   |
|       | DELTA DENTAL PLAN                | 160.65     |
|       | EGAN SUPPLY CO                   | 147.91     |
|       | FIRST BANKCARD                   | 17.16      |
|       | Olmsted Perry                    | 60.42      |
|       | PAYFLEX                          | 6.66       |
|       | USA BLUEBOOK                     | 61.64      |
|       | UTILITIES SERVICE GROUP          | 26,744.33  |
|       | WOODHOUSE FORD SOUTH INC         | 318.08     |
| 12    | DRUG FORFEITURE                  |            |
|       | NEXTEL PARTNERS                  | 99.98      |
| 20    | CSO PROJECT (CLEAN WATER SRF)    |            |
|       | GRAHAM CONSTRUCTION              | 194,797.56 |
| 24    | .05% SALES TAX STREET/SIDE MAINT |            |

|                           |            |
|---------------------------|------------|
| BOMGAARS SUPPLY           | 112.85     |
| DELTA DENTAL PLAN         | 20.90      |
| GRAHAM CONSTRUCTION       | 175,888.18 |
| Hwy 75                    |            |
| Olmsted Perry             | 4470.00    |
| Westside                  |            |
| Olmsted Perry             | 741.25     |
| Black Hills               |            |
| Olmsted Perry             | 863.84     |
| Total Claims              | 540,376.32 |
| Total Claims and Salaries | 646,918.21 |

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

Motion by Kerns, seconded by Tesarek to approve Item B of the Consent Agenda: Consider approval of the appointment of the following proposed new member to the Plattsmouth EMS Department: Jacob Blunt based on the Department Head recommendation. Council Member Tilson stated that he needs to see more information to be able to act on this item. Council Member Kerns stated that he felt this would be micromanaging and that as a council they must put trust in the Department Heads and act on an item based on the recommendation of the Department Head. After further discussion, ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

Motion by Kerns, seconded by Porter to approve Item C of the Consent Agenda: Consider approval of the appointment of the following proposed new member to the Plattsmouth EMS Department: Eric Reichwaldt based on the Department Head recommendation. Council Member Dugan stated that he would like to see appointments considered outside the Consent Agenda so each volunteer/appointment is recognized. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Riese and Dugan. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 7-UNFINISHED BUSINESS

##### ITEM 7 A

Motion by Riese, seconded by Porter to approve Pay Application No. 2 submitted by General Excavating for NDOR Highway 75 Project NH-75-2(155) Plattsmouth South of the Platte River Utility Relocations Project the in the amount of \$93,504.72 and authorize the Mayor to execute the pay application. Council Member Brookhouser questioned the difference in the amount listed in the agenda item and the amount on the actual Pay App. No. 2. Council Member Riese Amended his motion to approve Pay Application No. 2 submitted by General Excavating for NDOR Highway 75 Project NH-75-2(155) Plattsmouth South of the Platte River Utility Relocations Project the in the amount of \$93,504.42 and authorize the Mayor to execute the pay

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

#### ITEM 8-NEW BUSINESS

##### ITEM 8 A

City Administrator Erv Portis reviewed Resolution No. 12-017. Council Member Dugan introduced a resolution numbered and titled: **RESOLUTION NO. 12-017: A RESOLUTION OF THE COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO ACQUIRE FROM CASS COUNTY RURAL WATER DISTRICT NO. 1, AN AREA OF CUSTOMERS AND FUTURE CUSTOMERS RESIDING ON THE IDENTIFIED REAL ESTATE**

Motion by Dugan, seconded by Riese to adopt **RESOLUTION NO. 12-017: A RESOLUTION OF THE COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO ACQUIRE FROM CASS COUNTY RURAL WATER DISTRICT NO. 1, AN AREA OF CUSTOMERS AND FUTURE CUSTOMERS RESIDING ON THE IDENTIFIED REAL ESTATE.** City Attorney Roger Johnson read Resolution No. 12-017 in to the record by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

##### ITEM 8 B

Council Member Derby introduced a resolution numbered and titled: **RESOLUTION NO. 12-018: A RESOLUTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, LEVYING SPECIAL ASSESSMENTS FOR SANITARY SEWER IMPROVEMENTS.**

Motion by Derby, seconded by Tesarek to adopt **RESOLUTION NO. 12-018: A RESOLUTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, LEVYING SPECIAL ASSESSMENTS FOR SANITARY SEWER IMPROVEMENTS.** City Attorney Roger Johnson read Resolution No. 12-018 in to the record by title only. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

##### ITEM 8 C

Council Member Riese introduced a resolution numbered and titled: **RESOLUTION NO. 12-019: SIGNING OF THE PROJECT PROGRAM AGREEMENT WITH NEBRASKA DEPARTMENT OF ROADS PROJECT NO. URB-6404(1) CONTROL NO. 22313 (4<sup>th</sup> Avenue, 16<sup>th</sup> Street-Hillcrest).**

Motion by Riese, seconded by Dugan to adopt **RESOLUTION NO. 12-019: SIGNING OF THE PROJECT PROGRAM AGREEMENT WITH NEBRASKA DEPARTMENT OF ROADS PROJECT NO. URB-6404(1) CONTROL NO. 22313 (4<sup>th</sup> Avenue, 16<sup>th</sup> Street-Hillcrest).** City Attorney Roger Johnson read Resolution No. 12-019 in to the record by title



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

#### ITEM 8 C

Motion by Kerns, seconded by Riese to approve Pay Application No. 1 submitted by Roloff Construction Inc. for Sewer Separation Phase 2 in the amount of \$106,531.35 and authorize the Mayor to execute the pay application. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 D

City Administrator Erv Portis reviewed the process for a designation of Blighted and Substandard. Motion by Riese, seconded by Dugan to receive and refer the Blight and Substandard Area Designation to the Plattsmouth Planning Commission with a requirement to return to the City Council within 30 days. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 E

Motion by Dugan, seconded by Brookhouser to authorize publication of bid notice for Narrowbanding Compliant Fire and Emergency Medical Services Radio System Purchase. After discussion, ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 F

Motion by Riese, seconded by Porter to approve the submission of an Application to the 2012 Assistance to Firefighters Grant to replace remaining frontline bunker gear; and authorize the Mayor to execute the Grant Application and federal assurances. After discussion, ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 G

Council Member Tilson expressed his concerns with the signage at the intersection of 1<sup>st</sup> Avenue and South 10<sup>th</sup> Street. Mr. Salazar, whom resides at the corner of 1<sup>st</sup> Avenue and South 9<sup>th</sup> Street also expressed his concerns with the traffic on First Avenue. Tilson requested that the signage be reviewed. Motion by Kerns, seconded by Porter to refer the traffic regulations at the intersection of 1<sup>st</sup> Avenue and South 10<sup>th</sup> Street; and East and West Deer Lanes to the Street Committee. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 H

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest with regard to discussing Castaway Point, LLC vs. City of Plattsburgh, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819. 7:39 p.m. Motion by Riese, seconded by Brookhouser to convene to Closed Session to protect the public interest with regard to discussing Castaway Point, LLC vs. City of Plattsburgh, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest with regard to discussing Castaway Point, LLC vs. City of Plattsburgh, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819.

7:55 p.m. Motion by Dugan, seconded by Derby to reconvene to open session. On a voice vote, MOTION CARRIED.

ITEM 11

7:58 p.m. Motion by Tesarek, seconded by Tilson to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk