

PLATTSMOUTH CITY COUNCIL
September 4, 2012

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 September 4, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Terry Kerns, John R. Porter, 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 Attorney Roger Johnson and City Treasurer Peggy Wilsey.

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

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Brookhouser, seconded by Riese to approve the Consent Agenda as presented.

- A Consider approval of August 20, 2012 Plattsmouth City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Beer Garden being held in the Entertainment Plaza on South 4th Street from Main to the alley directly behind the Stage on October 5, 2012 from 4:00 p.m. to 11:00 p.m.
- C Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 08/24/2012 not Net as before

General Admin 14,082.01

Humane 1,146.40

EMS 5,206.91

Police 29,683.79
 Street 11,158.49
 Public Library 6,433.51
 Parks 2,158.00
 Oakhill Cemetery 1,349.61
 Senior Center 1,919.03
 Community Center 7,437.50
 Pool 3,433.47
 Water 6,177.71
 Sewer 6,041.67
 CBD 570.00
 TOTAL SALARIES 96,798.10

VARIOUS

AMERICAN FAMILY LIFE ASS	215.59
BLUE CROSS BLUE SHIELD	32,998.88
MUTUAL OF OMAHA	57.01
DELTA DENTAL PLAN	53.55
BLUE CROSS BLUE SHIELD	2,425.75
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
FRATERNAL ORDER OF POLIC	165.00
MUTUAL OF OMAHA	530.92
PLATTSMOUTH STATE BANK	1,101.12
THE UNION CENTRAL LIFE I	155.02

GENERAL ADMINISTRATION

BLACK HILLS ENERGY	20.38
BOMGAARS SUPPLY	43.87
DELTA DENTAL PLAN	288.65
FIRST BANKCARD	92.33
JOHN BAXTER	50.00
NEBRASKA DEPARTMENT OF R	25.00
NEBRASKA PUBLIC POWER DI	880.67
PAYFLEX	40.02
PAYLESS OFFICE PRODUCTS	7.08
RDG PLANNING & DESIGN	2,177.50

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	109.16
HEARTS UNITED	80.00

LAMBERT VET SUPPLY	47.10
POLICE	
DELTA DENTAL PLAN	619.10
JACK'S UNIFORMS & EQUIPM	866.30
KAHLER CONSTRUCTION	450.00
MJN INC	700.00
PAYFLEX	26.68
R & R CLEANING	110.00
TILSON AUTOMOTIVE	151.17
ULTRAMAX	885.00
STREET	
BLACK HILLS ENERGY	48.31
BOMGAARS SUPPLY	80.75
DELTA DENTAL PLAN	309.55
HDS WHITE CAP CONST SUPP	180.96
MICHAEL TODD & COMPANY I	486.20
NEBRASKA PUBLIC POWER DI	408.15
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	120.24
PLATTSMOUTH READY MIX IN	588.83
LIBRARY	
BAKER & TAYLOR BOOKS	231.91
BLACK HILLS ENERGY	21.16
CHARTER BUSINESS	16.00
DELTA DENTAL PLAN	107.10
DOLLAR GENERAL	9.00
EGAN SUPPLY CO	56.20
FIRST BANKCARD	640.98
GALE GROUP INC	54.00
HOUCHEN BINDERY LTD	425.00
NEBRASKA PUBLIC POWER DI	1,009.54
RICOH	269.91
STEPHEN C. WARGA	26.00
WINDSTREAM	131.95
PARK & REC	
BLACK HILLS ENERGY	18.60
HDR ENGINEERING INC	6,004.05
NEBRASKA PUBLIC POWER DI	133.20
PAYLESS OFFICE PRODUCTS	14.85
CEMETERY	
DELTA DENTAL PLAN	53.55

NEBRASKA PUBLIC POWER DI	55.75
PAYFLEX	6.66
FIRE	
FIRE PICKLE FUND	300.00
AMERICAN TEST CENTER	1,622.00
BLACK HILLS ENERGY	17.91
FORT DEARBORN LIFE INSUR	185.76
SENIOR CITIZEN CTR	
AIRCAD INC	60.47
BLACK HILLS ENERGY	9.92
COMMUNITY CENTER	
ALLISON WELCH	175.00
BLACK HILLS ENERGY	89.26
BOMGAARS SUPPLY	5.98
CHARTER BUSINESS	94.87
DEBBIE BAGGENSTOSS	125.00
DELTA DENTAL PLAN	74.45
EGAN SUPPLY CO	21.98
FOUR STAR LAUNDRY	215.82
JOYCE HICKS	125.00
KAREN MOREHEAD	175.00
KELLEY STEELE	75.00
KONICA MINOLTA BUSINESS	117.27
LINDA HAUENSTEIN	75.00
LOGAN CONTRACTORS SUPPLY	49.95
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	75.00
NOVA FITNESS EQUIPMENT	468.28
O'KEEFE ELEVATOR CO INC	154.00
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	117.33
PERMITE CO OF NEB AND IA	125.00
SARAH ASCHENBRENNER	100.00
SHARI BARRIOS	90.00
AQUATIC	
AQUA CHEM INC	150.00
BLACK HILLS ENERGY	639.60
ECONOMIC DEVELOPMENT	
BLANE CANADA LTD	875.00
BOMGAARS SUPPLY	177.30
FASTENAL COMPANY	135.99

FERGUSON ENTERPRISES	12.14
IMPACT MANUFACTURING	33.00
MENARDS	207.42
OMAHA DOOR & WINDOW COMP	468.00

DEBT SERVICE

PLATTSMOUTH STATE BANK	602,740.00
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EMS

BLACK HILLS ENERGY	17.92
DELTA DENTAL PLAN	74.45

WATER

BLACK HILLS ENERGY	39.31
BOMGAARS SUPPLY	401.72
DELTA DENTAL PLAN	169.80
HAWKINS INC	300.40
HD SUPPLY WATERWORKS LTD	1,063.96
HDR ENGINEERING INC	1,934.09
LEAGUE OF NEB MUNICIPALI	734.00
MISSISSIPPI LIME COMPANY	6,482.70
NEBRASKA PUBLIC POWER DI	111.81
PAYFLEX	6.66
POLLARD WATER.COM EAST	36.03
SHERWIN WILLIAMS	316.37
WATER DEPARTMENT-PETTY C	111.49

SEWER

BLACK HILLS ENERGY	237.62
BOMGAARS SUPPLY	148.32
DELTA DENTAL PLAN	160.65
LEAGUE OF NEB MUNICIPALI	734.00
PAYFLEX	6.66
USA BLUEBOOK	295.60
UTILITY EQUIPMENT COMPAN	202.31

22 CSO PROJECT PHASE II

HDR ENGINEERING INC	31,896.32
TREKK DESIGN GROUP LLC	6,230.22

24 .05% SALES TAX STREET/SIDE MAINT

DELTA DENTAL PLAN	20.90
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30 HWY 75 PROJECT

GENERAL EXCAVATING CO	325.50
OLMSTED & PERRY ENGINEER	637.50
GENERAL EXCAVATING CO	325.50
OLMSTED & PERRY ENGINEER	637.50

OLMSTED & PERRY ENGINEER 4,375.03

Total Claims 725,517.01

Total Claims and Salaries 822,315.11

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Kerns, seconded by Porter to approve Change Order No. 3 submitted by Roloff Construction, Inc. for the Sewer Separation Phase 2 project with an increase of \$35,672.15 for an adjusted contract price of \$1,449,462.03 and an increase of 4 calendar days to the Contract Time to a total Contract Time of 185 calendar days and authorize the Mayor to execute Change Order No. 3. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Riese, seconded by Porter to approve Pay Application No. 3 submitted by Roloff Construction Inc. for Sewer Separation Phase 2 in the amount of \$238,465.59 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Dugan, Tesarek, Derby and Porter. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

There was no discussion or action taken on Change Order No. 2 submitted by Kerstens Construction Inc. for the Westside Commercial Subdivision Sewage Pumping Station and authorize the Mayor to execute Change Order No. 2. NO ACTION TAKEN.

ITEM 8 D

Motion by Porter, seconded by Kerns to approve Application for Payment No. 2 (Final) submitted by Kerstens Construction Inc. for the Westside Commercial Subdivision Sewage Pumping Station and authorize the Mayor to execute Application for Payment No. 2 (Final) contingent on receipt of all close out documents. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

City Administrator Erv Portis presented the City of Plattsmouth Fiscal Year October 1, 2012 through September 30, 2012 proposed budget to the Mayor and Council.

ITEM 9 B

Pursuant to publication, Mayor Bowman opened a public hearing at 7:50 p.m. to hear and receive public comments regarding the proposed Amended Budget for the City of Plattsmouth Fiscal Year October 1, 2011 through September 30, 2012. Jerry Blackwell, 1432 Lincoln Avenue, Plattsmouth questioned why we were amending last year's budget. No one else spoke. The Mayor closed the public hearing at 7:52 p.m.

ITEM 9 C

Pursuant to publication, Mayor Bowman opened a public hearing at 7:52 p.m. to hear and receive public comments regarding the proposed Budget for the City of Plattsmouth for Fiscal Year October 1, 2012 through September 30, 2013. No one spoke. The Mayor closed the public hearing at 7:53 p.m.

ITEM 9 D

Pursuant to publication, Mayor Bowman opened a public hearing at 7:53 p.m. to hear and receive public comments regarding the Final Property Tax Request for the City of Plattsmouth for Fiscal Year October 1, 2012 through September 30, 2013. No one spoke. The Mayor closed the public hearing at 7:53 p.m.

ITEM 9 E

Council Member Riese introduced a Resolution numbered and titled: RESOLUTION NO. 12-027: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PREVIOUSLY ADOPTED BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012.

Motion by Riese, seconded by Derby to adopt a Resolution numbered and titled:

RESOLUTION NO. 12-027:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PREVIOUSLY ADOPTED BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning amending the 2011-2012 budget.

NOW, THEREFORE, the City Council of the City of Plattsmouth, by a majority vote, resolves that: The 2011-2012 budget be approved as amended to increase the Budgeted

Disbursements to \$18,182,937.00, to decrease the Necessary Cash Reserve to \$1,273,214.37 and to decrease the Total Resources Available to \$19,456,151.37.

PASSED AND APPROVED this ____ day of September 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-027 in to the record. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council Member Riese introduced a Resolution numbered and titled: RESOLUTION NO. 12-028: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE

Motion by Riese, seconded by Tesarek to adopt a Resolution numbered and titled:

RESOLUTION NO. 12-028

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the budget for the fiscal year of October 1, 2012 through September 30, 2013.

NOW, THEREFORE, BE IT RESOLVED that the budget is adopted for fiscal year of October 1, 2012 through September 30, 2013 with a dollar requirement totaling \$1,323,424.20.

BE IT FURTHER RESOLVED that the budget limit for 2012-2013 is set using the base limitation percentage increase of 2.5% and also using the additional 1% increase approved by this resolution.

BE IT FURTHER RESOLVED that the City Clerk is directed on behalf of the City of Plattsmouth to certify the budget and dollar requirements to the County Board and County Clerk of Cass County, Nebraska, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts, on or before September 20, 2012.

PASSED AND APPROVED this ____ day of September 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-028 in to the record. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Council Member Brookhouser introduced a Resolution numbered and titled: RESOLUTION NO. 12-029: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO SET THE TAX REQUEST FOR THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.

Motion by Brookhouser, seconded by Tilson to adopt a Resolution numbered and titled:

RESOLUTION NO. 12-029

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO SET THE TAX REQUEST FOR THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS *Neb. Rev. Stat.* § 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City Council of the City of Plattsmouth passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the final tax request for the fiscal year October 1, 2012 through September

30, 2013; and

WHEREAS it is in the best interests of the City of Plattsmouth that the amount of the property tax request for the current fiscal year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED that the following tax levy is adopted for the fiscal year October 1, 2012 through September 30, 2013 with a dollar requirement totaling \$1,323,424.20 based on a combined tax rate of \$0.493835 per \$100.00 of taxable valuation as follows: (1) a rate of \$0.050833 per \$100.00 of valuation for the bond levy in the total amount of \$136,227.50 and (2) a rate of \$0.443002 per \$100.00 of valuation for general operating expenses in the total amount of \$1,187,196.70 (consisting of \$0.319580 per \$100.00 of valuation for general operating expenses in the total amount of \$856,439.15 and \$0.123422 per \$100.00 of valuation for other debt service in the total amount of \$330,757.55).

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of Plattsmouth adopt a property tax request different than the amount of the tax request for the prior year.

BE IT FURTHER RESOLVED that the City Clerk is directed on behalf of the City of Plattsmouth to certify the tax request and dollar requirements to the County Board and County Clerk of Cass County, Nebraska, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts, on or before September 20, 2012.

PASSED AND APPROVED this ____ day of September 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-029 in to the record. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Council Member Riese introduced a Resolution numbered and titled: RESOLUTION NO. 12-030: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE PLATTSMOUTH AIRPORT AUTHORITY TO BUDGET FOR THE AIRPORT GENERAL FUND \$22,087.79 AND FOR THE AIRPORT BOND FUND \$90,366.56, WITH LEVIES OF 0.008242 AND 0.033720 RESPECTIVELY.

Motion by Riese, seconded by Tilson to adopt a Resolution numbered and titled:

RESOLUTION NO. 12-030

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE PLATTSMOUTH AIRPORT AUTHORITY TO BUDGET FOR THE AIRPORT GENERAL FUND \$22,087.79 AND FOR THE AIRPORT BOND FUND \$90,366.56, WITH LEVIES OF 0.008242 AND 0.033720 RESPECTIVELY.

WHEREAS the Plattsmouth Airport Authority submitted its proposed budget to the Mayor and City Council on or before August 1, 2012.

WHEREAS the Plattsmouth Airport Authority has requested authorization to budget for its general fund \$22,087.79 and for its bond fund \$90,366.56, with levies of 0.008242 and 0.033720 respectively.

WHEREAS the Authority has Bond payments in the amount of \$50,584 which is included in its request for authorization which is allowed by law and is outside the lid and levy limits and interest-free loan payments to the Nebraska Department of Aeronautics in the amount of \$22,380 which is allowed by law and is outside the lid and levy limits..

NOW, THEREFORE, BE IT RESOLVED that the Plattsmouth Airport Authority is authorized to budget for its general fund \$22,087.79 and for its bond fund \$90,366.56, with levies of 0.008242 and 0.033720 respectively.

PASSED AND APPROVED this ____ day of September 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-030 into the record. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 I

Council Member Kerns introduced an Ordinance numbered and titled: ORDINANCE NO. 1851: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 ; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE. Motion by Kerns, seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1851 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-

None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Kerns moved for final passage of Ordinance No. 1851, which motion was seconded by Tesarek. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 J

Council Member Riese introduced an Ordinance numbered and titled: ORDINANCE NO. 1852: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH FEES FOR CITY SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Porter that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1852 be adopted on first reading by title only. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Riese moved for final passage of Ordinance No. 1852, which motion was seconded by Porter. After discussion, ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 K

Council Member Riese introduced an Ordinance numbered and titled: ORDINANCE NO. 1853: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2012; TO REPEAL ORDINANCE NO. 1835 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Porter that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1853 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Riese moved for final passage of Ordinance No. 1853, which motion was seconded by Tilson. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 L

Max Kathol, Plattsmouth Chamber of Commerce Executive Director reviewed the plans for the Cruizin' Main event on October 5, 2012. Motion by Kerns, seconded by Porter to approve the Street Closing or Event Permit Application submitted by the Plattsmouth Chamber of Commerce for Cruizin' Main 2012 car show and entertainment on Friday, October 5, 2012 from 12 noon to 11:00 p.m.(Main Street from 3rd Street to 7th Street; 3rd Street from Main Street to 1st Avenue; 4th Street from Avenue A to 1st Avenue; 5th Street from the east west alley ½ block north of

Main Street to the east west alley ½ block south of Main Street; and 6th Street from Avenue A to 1st Avenue contingent on receipt of Insurance Certificate naming the City of Plattsmouth as an additional insured. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 M

Council Member Riese introduced a Resolution numbered and titled: **RESOLUTION NO. 12-031: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT (Cruizin' Main) SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359.**

Motion by Riese, seconded by Tilson to adopt a Resolution numbered and titled:

RESOLUTION NO. 12-031

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359.

WHEREAS, the City of Plattsmouth acknowledges and accepts the duties set out in Neb. Rev. Stat. § 39-1359(2) and, if a claim is made against the State, the City shall 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 a special event.

WHEREAS, a portion of United States Highway 34 also known as Main Street; from 3rd Street to 6th Street; 3rd Street from Main Street to 1st Avenue; 6th Street from Main Street to 1st Avenue, all located within the corporate limits of the City of Plattsmouth.

WHEREAS, the City must notify the Nebraska Department of Roads of a proposed closure of a State Highway or United States Highway under its control and jurisdiction, and the City must agree to indemnify the State of Nebraska.

WHEREAS, the Plattsmouth Chamber of Commerce has requested the closure of US Highway 34, also known as Main Street, from 3rd Street to 6th Street; 3rd Street from Main Street to 1st Avenue; and 6th Street from Main Street to 1st Avenue on October 5, 2012 from 12 noon to 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska that, US Highway 34 be closed: Main Street from 3rd Street to 6th Street; 3rd Street from Main Street to 1st Avenue; and 6th Street from Main Street to 1st Avenue on October 5, 2012 from 12 noon to 11:00 p.m. and that the City of Plattsmouth accepts the duties set out in Neb. Rev. Stat. § 39-1359(2), if a claim is made against the State, the City shall 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 a special event, and so notify the Nebraska Department of Roads.

PASSED AND APPROVED this 4th day of September 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-031 in to the record. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 N

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest to discuss: Plattsmouth Rural Fire Board Interlocal Agreements; and contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. City Administrator Erv Portis asked that the City Clerk be excused from attending the Closed Session and that the Police Chief be included in the discussion regarding the contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. 8:19 p.m. Motion by Porter, seconded by Tilson to convene to Closed Session to protect the public interest to discuss: Plattsmouth Rural Fire Board Interlocal Agreements; and contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34 and to excuse the City Clerk from the Closed Session and to include the Police Chief in the discussion regarding the contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest to discuss: Plattsmouth Rural Fire Board Interlocal Agreements; and contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34.

8:48 p.m. Motion by Riese, seconded by Tilson to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 9 O

Motion by Riese, seconded by Brookhouser to approve the Agreement between the City of Plattsmouth, Nebraska and Plattsmouth Police Officers' Association Fraternal Order of Police, Lodge #34 for a time period of October 1, 2012 through September 30, 2015. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 P

Council Member Riese introduced an Ordinance numbered and titled: ORDINANCE NO. 1854: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR UNION LAW ENFORCEMENT PERSONNEL AND TO APPROVE THE AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND PLATTSMOUTH POLICE OFFICERS' ASSOCIATION, FRATERNAL ORDER OF POLICE, LODGE #34; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Tesarek that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1854 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Riese moved for final passage of Ordinance No. 1854, which motion was seconded by Tesarek. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 12

8:53 p.m. Motion by Porter, seconded by Derby to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk