

PLATTSMOUTH CITY COUNCIL
January 21, 2013

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 January 21, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Terry Kerns, John R. Porter, Jeanie Brookhouser, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: Terry D. Tilson. 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

Thomas Drake, 14424 Penny Drive, Plattsmouth-Plattsmouth EMS Department Captain (Volunteer) presented the Mayor and Council with an American Flag that was proudly flown for the City of Plattsmouth, Nebraska aboard an RC-135 RIVET JOINT Reconnaissance Aircraft, Tail Number 64-14845, over the hostile skies of Afghanistan, in support of OPERATION ENDURING FREEDOM on the 11th day of September, 2012, by the men and women of the 763d Expeditionary Reconnaissance Squadron. MSgt Thomas Drake also presented the flag on behalf of his wife TSgt Arin Drake.

ITEM 6-MAYORAL PROCLAMATIONS

Mayor Bowman proclaimed January 21, 2013 as "Charlie Warga Day" in the City of Plattsmouth in recognition of all that Charlie has given to our community. Marc Nichols, Chairman of the Plattsmouth Planning Commission read Planning Commission Resolution Number P2013-001 which was adopted at their meeting on January 17, 2013.

Motion by Dugan, seconded by Riese to affirm Planning Commission Resolution Number P2013-001 which was adopted by the Plattsmouth Planning Commission at their January 17, 2013 meeting. ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

Mayor Bowman presented Mr. Warga with a "Key to the City" and thanked him on behalf of the City of Plattsmouth for the years of service on the Plattsmouth Planning Commission.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of January 7, 2013 Plattsmouth City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Nebraska Corn Grower's Association for an Annual Customer Appreciation Dinner being held at the Church of the Holy Spirit, 520 South 18th Street, Plattsmouth on February 12, 2013 from 5:00 p.m. to 12:00 a.m.
- C Consider recommendation of approval of a Special Designated License filed by Church of the Holy Spirit for a Fund Raiser being held at the St. John the Baptist School Gymnasium, 520 South 18th Street, Plattsmouth on February 15, 2013; February 22, 2013; March 1, 2013; March 8, 2013; March 15, 2013; and March 22, 2013 from 5:00 p.m. to 7:30 p.m.
- D Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises, Inc. d/b/a DC's Waterhole for a Fund Raiser being held at the Plattsmouth Community Center, 308 South 18th Street, Plattsmouth on March 9, 2013 from 3:00 p.m. to midnight
- E Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises, Inc. d/b/a DC's Waterhole for a Reception being held at the Plattsmouth Community Center, 308 South 18th Street, Plattsmouth on April 20, 2013 from 12:00 p.m. to 1:00 a.m.
- F Consider accepting the resignation of Robert Cook from the Plattsmouth Cemetery Board effective January 16, 2013
- G Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 12/28/12 not Net as before

General Admin 17,648.19

Humane 1,169.60

EMS 8,025.42

Police 35,488.06

Street 12,241.10

Public Library 6,270.09

Parks 190.12
 Oakhill Cemetery 1,376.80
 Senior Center 1,884.14
 Community Center 6,798.09
 Pool
 Water 6,253.14
 Sewer 6,113.91
 CBD 570.00
 TOTAL SALARIES 104,028.66

NO DEPT ENTERED

SHELL	5502.76
CINTAS CORPORATION #749	12.00
FIDELITY SECURITY LIFE E	263.40

GENERAL ADMINISTRATION

CASS COUNTY COURT	34.00
CHARTER BUSINESS	40.00
FIRST BANKCARD	98.43
HEARTLAND TECHNOLOGY SOL	111.00
HIGGINS HARDWARE	2.00
JOHN BAXTER	50.00
KONICA MINOLTA BUSINESS	113.24
MICROFILM IMAGING SYSTEM	100.00
NE DOL	36.00
NEBRASKA PUBLIC POWER DI	275.22
OLMSTED & PERRY ENGINEER	1,467.30
PAYFLEX	637.50
PAYLESS OFFICE PRODUCTS	6.49
RDG PLANNING & DESIGN	1,577.50
THE COLUMBUS TELEGRAM	424.71
VERIZON WIRELESS	85.47
WINDSTREAM	262.66
WIREBUILT CO	75.00

HUMANE/CODE ENFORCEMENT

NEBRASKA PUBLIC POWER DI	165.40
PLATTSMOUTH ANIMAL HOSPI	147.00
VERIZON WIRELESS	42.61

POLICE

CASS COUNTY SHERIFF	3,509.00
JACK'S UNIFORMS & EQUIPM	80.89
JOHN'S APPLIANCE	19.01
KAHLER CONSTRUCTION	445.00
LINDER TIRE & AUTO INC	100.00
MID-STATES ORGANIZED CRI	150.00
MULLENAX AUTO SUPPLY	380.98
PAYFLEX	25.00
PAYLESS OFFICE PRODUCTS	61.21
ROBERT SORENSON	95.23
VERIZON WIRELESS	35.37
WARGA BROADCASTING LLC	300.00
WINDSTREAM	289.03

STREET

CINTAS CORPORATION #749	244.60
LINDER TIRE & AUTO INC	39.00
MICHAEL TODD & COMPANY I	1,301.50
MULLENAX AUTO SUPPLY	839.77
NEBRASKA PUBLIC POWER DI	7,188.74
PAYFLEX	12.50
RHYLANDER WELDING & MFG	184.90
STATE OF NEBRASKA	13,500.00
THE COLUMBUS TELEGRAM	103.60
VERIZON WIRELESS	130.80
WELLS FARGO BANK	19,447.77
WINDSTREAM	108.04
WOODHOUSE FORD SOUTH INC	484.52

LIBRARY

BAKER & TAYLOR BOOKS	659.08
CENTER POINT LARGE PRINT	213.90
EGAN SUPPLY CO	285.26
GALE	167.33
JOHN'S APPLIANCE	2,296.43

PARK & REC

JOHN DEERE CREDIT	44.02
LINDER TIRE & AUTO INC	289.22
METAL ROOF AND WALL SYST	791.07
MULLENAX AUTO SUPPLY	183.40
NEBRASKA PUBLIC POWER DI	148.34
RICKY L MCFALL	1,500.00

THE COLUMBUS TELEGRAM	5.47
VERIZON WIRELESS	34.06
WINDSTREAM	51.50
CEMETERY	
BLACK HILLS ENERGY	163.78
PAYFLEX	6.25
WINDSTREAM	75.77
FIRE	
GRAINGER	5421.08
FOUR STAR LAUNDRY	15.86
IDEAL PURE WATER	14.01
NEBRASKA PUBLIC POWER DI	326.92
WINDSTREAM	105.46
SENIOR CITIZEN CTR	
EGAN SUPPLY CO	124.14
NEBRASKA PUBLIC POWER DI	757.99
STEUBE'S THRIFTWAY	459.03
THE THOMPSON COMPANY	4,423.08
UNITED STATES POST OFFIC	90.00
WINDSTREAM	112.90
COMMUNITY CENTER	
ALEXANDRIA MARIE VANDE V	25.00
ALLISON WELCH	87.50
CECILIA A GUERRA	50.00
CHARTER BUSINESS	96.19
DAVE STEINKRUGER	100.00
DEBBIE BAGGENSTOSS	200.00
DIANA L. POGREBA	25.00
FISERV	187.50
JOYCE HICKS	125.00
KAREN MOREHEAD	25.00
KELLEY STEELE	50.00
LAUREN GEORGE	75.00
LINDA HAUENSTEIN	75.00
MECHANICAL SALES INC	2,852.49
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	25.00
NEBRASKA PUBLIC POWER DI	6,821.92
NOVA FITNESS EQUIPMENT	374.58
PAYFLEX	6.25
SARAH ASCHENBRENNER	187.50

SHOPKO STORES OPERATING	59.88
STEPHEN C. WARGA	27.00
THOMAS WOODS	975.00
VERIZON WIRELESS	64.76
WINDSTREAM	338.68
AQUATIC	
NEBRASKA PUBLIC POWER DI	80.00
ECONOMIC DEVELOPMENT	
OLMSTED & PERRY ENGINEER	145.00
THE COLUMBUS TELEGRAM	81.63
ECONOMIC DEV - DTR PHASE 2	
THE COLUMBUS TELEGRAM	15.99
ECONOMIC DEV -LB840	
CASS COUNTY NE ECONOMIC DEV	11250.00
DEBT SERVICE	
WATER & SEWER DEPARTMENT	6,113.22
EMS	
FOUR STAR LAUNDRY	15.86
IDEAL PURE WATER	14.02
NEBRASKA PUBLIC POWER DI	326.93
PAYFLEX	6.25
VERIZON WIRELESS	150.00
WINDSTREAM	105.46
WATER DEPARTMENT	
C SCOTT SERVICES	1,949.00
HAWKINS INC	633.22
LINDER TIRE & AUTO INC	22.00
MISSISSIPPI LIME COMPANY	3,371.20
NEBRASKA PUBLIC POWER DI	5,985.75
OLMSTED & PERRY ENGINEER	243.13
ONE CALL CONCEPTS INC	42.20
PAYFLEX	6.25
THE COLUMBUS TELEGRAM	23.14
UTILITY EQUIPMENT COMPAN	623.51
VERIZON WIRELESS	98.10
WENTZ HOLDING LLC	750.00
WINDSTREAM	157.60
SEWER DEPARTMENT	
FERGUSON ENTERPRISES	217.04
MIDWEST LABORATORIES INC	513.70

NEBRASKA PUBLIC POWER DI	2,113.75
NEBRASKA RURAL WATER ASS	275.00
OLMSTED & PERRY ENGINEER	243.12
RASMUSSEN MECHANICAL SER	950.76
VERIZON WIRELESS	32.70
DRUG FORFEITURE	
VERIZON WIRELESS	92.90
WESTSIDE	
OLMSTED & PERRY ENGINEER	2,380.55
Total Claims	131,374.73
Total Claims and Salaries	235,403.39

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1855: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, ENACTING 5-6.1 OF THE LAND DEVELOPMENT ORDINANCE, CREATING THE DOWNTOWN PLATTSMOUTH HISTORIC DISTRICT; ESTABLISHING SUPPORTIVE OVERLAY ZONING WITHIN THE PLATTSMOUTH LAND DEVELOPMENT ORDINANCE, AMENDING THE PLATTSMOUTH ZONING MAP; ALLOWING FOR SEVERABILITY OF PROVISIONS; TO REPEAL ALL ORDINANCES IN CONFLICT, TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Riese, seconded by Dugan to approve second reading of Ordinance No. 1855 by title only. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 B

Council Member Wiemer introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1856: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ANNEXING CERTAIN LANDS ADJACENT TO THE CITY OF PLATTSMOUTH, NEBRASKA AND DEFINING THE BOUNDARIES THEREOF AS FOLLOWS: TRACT 1: A PARCEL OF LAND BEING SITUATE IN PART OF THE NORTHWEST (NW ¼) OF THE NORTHWEST (NW ¼) OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF TAX LOT 86 BEING THE POINT OF BEGINNING; THENCE N00°00'00"E A DISTANCE OF 462.26 FEET ALONG WEST LINE OF SAID TAX LOT 86; THENCE S89°36'08"W A DISTANCE OF 121.00 FEET ALONG LINE OF SAID TAX LOT 86;**

THENCE N0°00'00"E A DISTANCE OF 505.65 FEET ALONG THE WEST LINE OF SAID TAX LOT 86; THENCE N89°47'32"E A DISTANCE OF 593.80 FEET ALONG NORTH LINE OF SAID TAX LOT 86 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75 TO THE NORTHWEST CORNER OF SUBLOT 4 OF TAX LOT 36 (REPLATTED) , THENCE CONTINUING SOUTH ALONG THE EAST LINE OF SAID SUBLOT 4 TO THE NORTHEAST CORNER OF BESTMANN ADDITION, THENCE CONTINUING SOUTH ALONG THE EAST LINE OF BESTMANN ADDITION TO THE SOUTHEAST CORNER OF SAID ADDITION, THENCE WEST ALONG THE SOUTH LINE OF SAID ADDITION TO THE SOUTHWEST CORNER OF BESTMANN ADDITION, THENCE S89°36'13"W A DISTANCE OF 124.83 FEET ALONG THE SOUTH LINE OF SAID TAX LOT 86 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.3 ACRES, MORE OR LESS; TRACT 2: A PARCEL OF LAND BEING SITUATE IN PART OF THE SOUTHEAST (SE ¼) OF THE NORTHEAST (NE ¼) AND THE NORTHEAST (NE ¼) OF THE SOUTHEAST (SE ¼) OF SECTION 14, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF TAX LOT 1 BEING THE POINT OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF TAX LOT 1 TO THE SOUTHEAST CORNER OF TAX LOT 1, THENCE CONTINUING SOUTH ALONG THE EAST LINE OF TAX LOT 15 (NE1/4,SE ¼) A DISTANCE OF 594 FEET, THENCE WEST ALONG AND PARALLEL TO THE NORTH LINE OF TAX LOT 15, 990 FEET; THENCE NORTH ALONG AND PARALLEL TO THE EAST LINE OF TAX LOT 15 A DISTANCE OF 594 FEET TO THE SOUTHWEST CORNER OF TAX LOT 14 THENCE NORTH ALONG THE WEST LINE OF TAX LOT 14 TO THE NORTHWEST CORNER OF TAX LOT 14, THENCE EAST ALONG THE NORTH LINE OF TAX LOTS 1, 11, AND 14 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 43.5 ACRES, MORE OR LESS.; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Wiemer, seconded by Porter to approve second reading of Ordinance No. 1856 by title only. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Riese. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 C

Motion by Dugan, seconded by Derby to approve granting further Cessation and Interruption of Operations for SSRJ Inc. d/b/a Plattsmouth Keno through February 4, 2013. After discussion, ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Dugan, Wiemer and Derby. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Riese, seconded by Dugan to give a favorable recommendation to the Nebraska Liquor Control Commission regarding the Application for Reconstruction to Liquor License submitted by SSRJ Inc. d/b/a Plattsmouth Keno. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese, Wiemer and Derby. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 B

Pursuant to publication, Mayor Bowman opened a public hearing at 7:18 p.m. with regard to Blighted and Substandard Designation for the following real estate in Plattsmouth, Nebraska, described as: **SITE A:** Plattsmouth Outlots DB194 P938 SW4 SW4 12-12-13 (including all of adjacent vacated Rubin Drive); Plattsmouth Outlots fraction of Sublot 2 of Lot 65 DB195 P712 and Tax Lot 128 12-12-1; Plattsmouth Outlots Tax Lot 128; Plattsmouth Outlots PTDB121P320 SW4 SW4 12-12-13; Plattsmouth Outlots Sublot 1 of Lot 75 and .28a Lot 75 NW4 NW4 13-12-13; Plattsmouth Outlots Pt Lot 75 DB96P367 except PT DB105 P402 NW4NW4 13-12-13; All of Story's Addition; All of Ritchie Place; All of Julies Subdivision; All of Johnson's Subdivision; All of Winterset Addition; All of Bestmann Addition; All of Westside Commercial Subdivision; Outlots Lot 53 SE4 NW4 13-12-13; Outlots Tax Lot 83 except Sublot 1 of Lot 83 NW4 SW4 13-12-13; Outlots Lot 74 West of Railroad NE4 SW4 13-12-13; Plattsmouth Outlots Lot 84 NW4 SW4 13-12-13; Plattsmouth Outlots fraction part Lot 22 and Sublot 2 S2 SW4 13-12-13; PJ's 2nd Subdivision Lot F; PJ's 2nd Subdivision Lot E except Highway; PJ's 2nd Subdivision Lot D; Oak Terrace Lot 6 except Highway; Oak Terrace Lot 5 except Highway; Oak Terrace Lot 4 except Highway; Oak Terrace W50' Lot 2 and fraction Lot 3 except Highway; Oak Terrace Lot 1 and 2 except W50' Lot 2 and Highway; Park Plaza Subdivision Lot 1; Park Plaza Subdivision Lot 2; 24-12-13 Highway and shops; 24-12-13 Tax Lot 73 SW4 NW4; 24-12-13 Tax Lot 74 SW4 NW4; **SITE B:** Young and Hayes Addition Lot 4 and ½ vacated street except S50' Block 12; Wedner Subdivision Lot A; Young and Hayes Addition S part Lots 1,2 and ½ vacated street and alley Block 12; Young and Hayes Addition Lots 1,2 and ½ vacated street and ½ alley Block 11; Wedner Subdivision Lot B; Young and Hayes Addition Lots 3,4 Block 11; Original Town Lot 9 and W1/2 Lot 10 Block 110; Original Town E1/2 Lot 10 and all Lots 11,12 Block 110; Young and Hayes Addition Lots 1,2 Block 20; Original Town Lots 2-4 Block 111; Original Town Lot 1 Block 111; Original Town Lot 6 and 6.5' vacated alley Block 8; Original Town Lot 5 SW of Avenue and 6.5' vacated alley Block 8; Original Town Lots 3,4 and 6.5' vacated alley Block 8; Original Town N parts Lots 1,2 Block 8; Original Town Lots 7-12 Block 8; Original Town all of Lots 5,6 and Lots 7,8 except S 80' Block 22 and Block 23 except S 80' Lots 7-12; Original Town Lot 7 except Avenue and Lot 8 S of Avenue Block 9; Original Town Lots 7,8 Block 21 and Lots 1-4 and 9-12 and vacated streets Block 22; Original Town Lots 9-11 S of Avenue Block 21; Four Us Subdivision replat 1 Lot 4; Four Us Subdivision Lot 3; OC Enterprises Subdivision Lot 2; Four Us Subdivision Lot 1; Four Us Subdivision replat 1 Lot 2; Original Town Lot 8 N of Avenue and all lots 9-12 Block 9; Original Town Lot 4R Block 21; Original Town Lot 3R Block 21; Original Town Lots 1,2 Block 21; Original Town Lots 10-12 N of Washington Ave Block 21; Original Town all Block 26; Original Town all Block 37; Original Town all Block 20; Original Town all Block 27; Original Town all Block 36; Original Town S ½ Block 19; Original Town all Block 28; Original Town all

Block 35; Original Town all Block 29; Original Town all Block 34; Original Town all Block 30; Original Town all Block 33; Original Town all Block 31; Original Town all Block 32; Plattsmouth Lumber Subdivision Lot 2; **SITE C:** Outlots Lot 28 except 330' SW4 SE4 13-12-13; Outlots Lot 60 SW4SE4 13-12-13; Outlots Lot 33 SW4SE4 13-12-13; Oakmont Estates 3rd Subdivision Lot 1; Oakmont Estates 2nd Subdivision Lot 5; Oakmont Estates 3rd Subdivision Lot 4; Oakmont Estates 3rd Subdivision Lot 3; Oakmont Estates 3rd Subdivision Lot 2; John Fitzgerald's Addition S83' Lot 5 and N29' Lot 6 and ½ vacated street Block 3; John Fitzgerald's Addition N49' of S93' Lot 6 and ½ vacated Park Avenue Block 3; John Fitzgerald's Addition S44' Lot 6 and ½ vacated Park Avenue Block 3; John Fitzgerald's Addition N ½ Lot 7 and ½ vacated Park Avenue Block 3; John Fitzgerald's Addition W 131.22' S ½ Lot 7 W 131.22' Lot 8 and adjacent vacated Holdrege Street Block 3; Burris' Subdivision Lots 1-5; Burris' Subdivision Lots 6-8; Outlots Lot 30 NE4 NE4 24-12-13; Outlots Sublot 1 of Lot 30 NE4 NE4 24-12-13; Outlots Lot 56, 57 NE4 NE4 24-12-13; Outlots Lot 58 NE4 NE4 24-12-13; Valley View Addition N 140' Lot 9 Block 5; Valley View Addition S 62' of N 202' Lot 9 Block 5; Kahler's Subdivision Lot 2; Kahler's Subdivision Lot 1; 24-12-13 Storm Water Retention Structure SW4 NE4; Outlots Lot 15 SW4 NE4 24-12-13; D&W Subdivision Lot 2; D&W Subdivision Lot 1; D&W Subdivision Lot 3; Outlots Lot 24 and S 86' Sublot 2 of 26 SW4NE4 24-12-13; Barkus Subdivision replat Lot 1; Barkus Subdivision replat Lot 2; Outlots Sublot 2 of 7 SW4 NE4 and Sublot 1 of 8 NW4 SE4 24-12-13; Outlots Sublot 2 of 8 NW4 SE4 24-12-13; Curtis Heights Lot 1 NW4 SE4 24-12-13; Curtis Heights Lot 2A NW4 SE4 24-12-13; Curtis Heights Lot 2B NW4 SE4 24-12-13. City Administrator Erv Portis gave a brief overview of the proposed area to be designated Blighted and Substandard. He spoke in favor of the designation. No one else spoke. Mayor Bowman closed the public hearing at 7:31 p.m.

ITEM 9 C

Council Member Porter introduced a Resolution numbered and titled as follows: RESOLUTION NO. 13-008: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD.

Motion by Porter, seconded by Brookhouser to adopt RESOLUTION NO. 13-008:

RESOLUTION NO. 13-008

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD.

WHEREAS, the Mayor and City Council are authorized by law to declare area, in total not to exceed 35% of the city, as blighted and substandard if the criteria identified in *Neb. Rev. Stat. § 18-2103(10) and (11)* exist.

WHEREAS, the Mayor and Council previously referred to the City's Planning Commission consideration of the Blight and Substandard Determination Study dated December 2012, prepared by RDG Planning & Design (the "Study"), which makes certain determinations concerning the following described area proposed to be declared blighted and substandard:

SITE A

Plattsmouth Outlots DB194 P938 SW4 SW4 12-12-13 (including all of adjacent vacated Rubin Drive)
Plattsmouth Outlots fraction of Sublot 2 of Lot 65 DB195 P712 and Tax Lot 128 12-12-1
Plattsmouth Outlots Tax Lot 128
Plattsmouth Outlots PTDB121P320 SW4 SW4 12-12-13
Plattsmouth Outlots Sublot 1 of Lot 75 and .28a Lot 75 NW4 NW4 13-12-13
Plattsmouth Outlots Pt Lot 75 DB96P367 except PT DB105 P402 NW4NW4 13-12-13
All of Story's Addition
All of Ritchie Place
All of Julies Subdivision
All of Johnson's Subdivision
All of Winterset Addition
All of Bestmann Addition
All of Westside Commercial Subdivision
Outlots Lot 53 SE4 NW4 13-12-13
Outlots Tax Lot 83 except Sublot 1 of Lot 83 NW4 SW4 13-12-13
Outlots Lot 74 West of Railroad NE4 SW4 13-12-13
Plattsmouth Outlots Lot 84 NW4 SW4 13-12-13
Plattsmouth Outlots fraction part Lot 22 and Sublot 2 S2 SW4 13-12-13
PJ's 2nd Subdivision Lot F
PJ's 2nd Subdivision Lot E except Highway
PJ's 2nd Subdivision Lot D
Oak Terrace Lot 6 except Highway
Oak Terrace Lot 5 except Highway
Oak Terrace Lot 4 except Highway
Oak Terrace W50' Lot 2 and fraction Lot 3 except Highway
Oak Terrace Lot 1 and 2 except W50' Lot 2 and Highway
Park Plaza Subdivision Lot 1
Park Plaza Subdivision Lot 2
24-12-13 Highway and shops
24-12-13 Tax Lot 73 SW4 NW4
24-12-13 Tax Lot 74 SW4 NW4

SITE B

Young and Hayes Addition Lot 4 and ½ vacated street except S50' Block 12
Wedner Subdivision Lot A
Young and Hayes Addition S part Lots 1,2 and ½ vacated street and alley Block 12
Young and Hayes Addition Lots 1,2 and ½ vacated street and ½ alley Block 11
Wedner Subdivision Lot B
Young and Hayes Addition Lots 3,4 Block 11
Original Town Lot 9 and W1/2 Lot 10 Block 110
Original Town E1/2 Lot 10 and all Lots 11,12 Block 110

Young and Hayes Addition Lots 1,2 Block 20
Original Town Lots 2-4 Block 111
Original Town Lot 1 Block 111
Original Town Lot 6 and 6.5' vacated alley Block 8
Original Town Lot 5 SW of Avenue and 6.5' vacated alley Block 8
Original Town Lots 3,4 and 6.5' vacated alley Block 8
Original Town N parts Lots 1,2 Block 8
Original Town Lots 7-12 Block 8
Original Town all of Lots 5,6 and Lots 7,8 except S 80' Block 22 and Block 23 except S 80'
Lots 7-12
Original Town Lot 7 except Avenue and Lot 8 S of Avenue Block 9
Original Town Lots 7,8 Block 21 and Lots 1-4 and 9-12 and vacated streets Block 22
Original Town Lots 9-11 S of Avenue Block 21
Four Us Subdivision replat 1 Lot 4
Four Us Subdivision Lot 3
OC Enterprises Subdivision Lot 2
Four Us Subdivision Lot 1
Four Us Subdivision replat 1 Lot 2
Original Town Lot 8 N of Avenue and all lots 9-12 Block 9
Original Town Lot 4R Block 21
Original Town Lot 3R Block 21
Original Town Lots 1,2 Block 21
Original Town Lots 10-12 N of Washington Ave Block 21
Original Town all Block 26
Original Town all Block 37
Original Town all Block 20
Original Town all Block 27
Original Town all Block 36
Original Town S ½ Block 19
Original Town all Block 28
Original Town all Block 35
Original Town all Block 29
Original Town all Block 34
Original Town all Block 30
Original Town all Block 33
Original Town all Block 31
Original Town all Block 32
Plattsmouth Lumber Subdivision Lot 2

SITE C

Outlots Lot 28 except 330' SW4 SE4 13-12-13
Outlots Lot 60 SW4SE4 13-12-13
Outlots Lot 33 SW4SE4 13-12-13
Oakmont Estates 3rd Subdivision Lot 1
Oakmont Estates 2nd Subdivision Lot 5

Oakmont Estates 3rd Subdivision Lot 4
Oakmont Estates 3rd Subdivision Lot 3
Oakmont Estates 3rd Subdivision Lot 2
John Fitzgerald's Addition S83' Lot 5 and N29' Lot 6 and ½ vacated street Block 3
John Fitzgerald's Addition N49' of S93' Lot 6 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition S44' Lot 6 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition N ½ Lot 7 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition W 131.22' S ½ Lot 7 W 131.22' Lot 8 and adjacent vacated
Holdrege Street Block 3
Burris' Subdivision Lots 1-5
Burris' Subdivision Lots 6-8
Outlots Lot 30 NE4 NE4 24-12-13
Outlots Sublot 1 of Lot 30 NE4 NE4 24-12-13
Outlots Lot 56, 57 NE4 NE4 24-12-13
Outlots Lot 58 NE4 NE4 24-12-13
Valley View Addition N 140' Lot 9 Block 5
Valley View Addition S 62' of N 202' Lot 9 Block 5
Kahler's Subdivision Lot 2
Kahler's Subdivision Lot 1
24-12-13 Storm Water Retention Structure SW4 NE4
Outlots Lot 15 SW4 NE4 24-12-13
D&W Subdivision Lot 2
D&W Subdivision Lot 1
D&W Subdivision Lot 3
Outlots Lot 24 and S 86' Sublot 2 of 26 SW4NE4 24-12-13
Barkus Subdivision replat Lot 1
Barkus Subdivision replat Lot 2
Outlots Sublot 2 of 7 SW4 NE4 and Sublot 1 of 8 NW4 SE4 24-12-13
Outlots Sublot 2 of 8 NW4 SE4 24-12-13
Curtis Heights Lot 1 NW4 SE4 24-12-13
Curtis Heights Lot 2A NW4 SE4 24-12-13
Curtis Heights Lot 2B NW4 SE4 24-12-13

WHEREAS, if the above area was designated blighted and substandard, it would not result in the total area of the City so designated in excess of 35% of the area included in the corporate limits of the City within the meaning of *Neb. Rev. Stat. § 18-2103 (10) and (11)*;

WHEREAS, the Planning Commission has recommended that such determination be made;

WHEREAS, and said hearing was held as required by law, concerning whether the Area should be determined blighted and substandard;

WHEREAS, all requirements of law have been satisfied, including publication of a notice of a public hearing and notification mailed (a) to all registered neighborhood association whose area of representation is located within a one mile radius of the redevelopment area and (b) to the president or chairperson of each county, school district, community college, educational service unit and

natural resources district whose property tax receipts may be affected;

WHEREAS, the notices stated the time of hearing, date, place and purpose;

WHEREAS, all mailed notices also included a map showing the redevelopment area; and

WHEREAS, a public hearing was held during which all persons desiring to be heard were so heard.

NOW, THEREFORE, BE IT RESOLVED that based on the Study, the recommendation of the Planning Commission and analysis and review of the conditions of property identified above located within the Area, the Mayor and Council hereby find, determine and declare that the Area identified above is an area which meets the criteria for designation as blighted and substandard in need of redevelopment under the terms of *Neb. Rev. Stat.* § 18- 2103 (10) and (11) in that such real estate is affected by conditions as set forth in the Study.

BE IT FURTHER RESOLVED that the Mayor and Council hereby find, determine and declare that the requirements of *Neb. Rev. Stat.* § 18-2109 have been satisfied.

BE IT FURTHER RESOLVED that upon referral by the City's Community Redevelopment Agency of any redevelopment plan or redevelopment plan modification with respect to the area, the City Clerk is hereby authorized to set a hearing and publish and mail notice of such hearing as required by law.

PASSED AND APPROVED this 21ST day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-008 in to the record. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 D

Council Member Kerns stated that he would be abstaining from any discussion or action on this item as he is the President and majority shareholder for Kerns Excavating Company.

Motion by Porter, seconded by Riese to approve payment of Invoice No. 11837 in the amount of \$975.00, submitted by Kerns Excavating Company for snow removal . ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Tilson. Abstain-Kerns. MOTION CARRIED.

ITEM 9 E

City Administrator Erv Portis informed the mayor and council that Unite Private Network purchased a company that had existing conduit, wires and cables for fiber optic services in Plattsmouth so a Right Of Way Agreement specific to Unite Private Network was required. Motion by Riese, seconded by Dugan to approve a Right Of Way Agreement with Unite Private Network regarding placement of conduit, wires and cables for fiber optic services and authorize the Mayor to execute the agreement. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 F

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest in regard to the possible purchase of real estate for the construction of a shop for the Water Treatment Plant. 7:37 p.m. Motion by Dugan, seconded by Brookhouser to convene to Closed Session to protect the public interest in regard to the possible purchase of real estate for the construction of a shop for the Water Treatment Plant . ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Riese and Dugan. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest in regard to the possible purchase of real estate for the construction of a shop for the Water Treatment Plant.

7:44 p.m. Motion by Riese, seconded by Porter to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

7:47 p.m. Motion by Porter, seconded by Dugan to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk