

PLATTSMOUTH CITY COUNCIL
May 6, 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 May 6, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: Terry Kerns. 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

- A Mayor Bowman proclaimed May 25, 2013 as National Missing Children's Day

ITEM 7-CONSENT AGENDA:

Motion by Brookhouser, seconded by Tilson to approve the Consent Agenda with the corrections to the April 15, 2013 Minutes.

- A Consider approval of the April 15, 2013 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 Reception being held at the Plattsmouth Community Center, 308 South 18th Street, Plattsmouth on July 27, 2013 from 12:00 p.m. to 12:00 a.m.
- C Consider the request of Roger Johnson, City Attorney to be excused from the June 3, 2013 Plattsmouth City Council Meeting
- D Consider approval of claims

Please note these are GROSS SALARIES -04/19-05/03

General Admin 29,023.62

Humane 2,339.20

EMS 14,819.92

Police 62,669.40

Street 23,784.24

Public Library 13,181.68

Parks 576.00

Oakhill Cemetery 2,753.62

Senior Center 4,337.27

Community Center 17,858.49

Pool

Water 11,230.40

Sewer 10,951.96

CBD 1,140.00

TOTAL SALARIES 194,665.80

Various

SHELL 5,256.82

ADAM MOSER 3.90

AMERICAN FAMILY LIFE 215.59

BLUE CROSS BLUE SHIELD 39,050.91

CINTAS CORPORATION #749 12.00

DELTA DENTAL PLAN 2,054.25

FRATERNAL ORDER OF POLIC 180.00

MUTUAL OF OMAHA 49.21

MUTUAL OF OMAHA 580.93

CENTRAL UNITED LIFE INSU 265.44

MUTUAL OF OMAHA 18.96

PLATTSMOUTH STATE BANK 1,384.44

THE UNION CENTRAL LIFE I 155.02

GENERAL ADMINISTRATION

BLACK HILLS ENERGY 726.30

BOMGAARS SUPPLY	9.99
CHARTER BUSINESS	40.00
DANA F. COLE & COMPANY L	8,580.00
FIRST BANKCARD	360.19
HIGGINS HARDWARE	12.99
KATHRYN SHARP	125.00
KEARNEY LODGING LLC	216.00
KONICA MINOLTA PREMIER F	296.16
NATIONAL ALLIANCE OF PRE	7,000.00
NEBRASKA PLANNING & ZONI	160.00
NEBRASKA PUBLIC POWER DI	244.70
PAPILLION SANITATION	48.50
PAYFLEX	37.50
PITNEY BOWES INC.	108.00
TYLER TECHNOLOGIES	5,627.50
WELCH LAW FIRM PC	2,212.50
VERIZON WIRELESS	85.36

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	10.48
NEBRASKA HUMANE SOCIETY	903.00
VERIZON WIRELESS	40.03

POLICE

BOMGAARS SUPPLY	31.15
FIRST BANKCARD	230.53
JACK'S UNIFORMS & EQUIPM	222.69
JEFF HENRY CHEVROLET	242.55
KONICA MINOLTA BUSINESS	28.03
KONICA MINOLTA PREMIER F	197.60
LYNN PEAVEY COMPANY	47.88
NATIONAL LAW ENFOREMENT	150.05
PAYFLEX	25.00
RGS REPAIR INC	396.28
SLEUTH	400.00
TDS/GCR	434.56
TODD HAMMOND	45.98
VERIZON WIRELESS	35.34
WOODHOUSE FORD SOUTH INC	44.40

STREET

BLACK HILLS ENERGY	336.21
BOMGAARS SUPPLY	61.36
CINTAS CORPORATION #749	291.27

HDS WHITE CAP CONST SUPP	38.07
NEBRASKA PUBLIC POWER DI	535.06
OLMSTED & PERRY ENGINEER	402.60
PAPILLION SANITATION	117.66
PAYFLEX	12.50
RHYLANDER WELDING & MFG	477.50
VERIZON WIRELESS	130.60

LIBRARY

BAKER & TAYLOR BOOKS	1,908.19
BLACK HILLS ENERGY	108.05
CENTER POINT LARGE PRINT	213.90
CHARTER BUSINESS	16.00
DOLLAR GENERAL	26.00
FIRST BANKCARD	1,371.98
GALE	394.00
KONICA MINOLTA PREMIER F	197.60
NEBRASKA PUBLIC POWER DI	464.64
NICOLE LEE MCDONALD	50.00
OMAHA WORLD HERALD	231.40
PAPILLION SANITATION	14.56
WINDSTREAM	69.62

PARK & REC

BLACK HILLS ENERGY	126.81
BOMGAARS SUPPLY	194.75
BRYAN ROCK PRODUCTS	3,329.12
ELECTRICAL ENGINEERING &	224.08
FERGUSON ENTERPRISES	111.58
MR LANDSCAPE NURSERY	6.99
NEBRASKA PUBLIC POWER DI	141.95
OMAHA DOOR & WINDOW COMP	130.93
OMAHA SLINGS INC	143.96
PAPILLION SANITATION	107.62
PLATTSMOUTH READY MIX IN	517.42
PROFESSIONAL WASTE WATER	75.00
STATE OF NEBRASKA	14,000.00
STEPHEN C. WARGA	27.00
TERRY LINDSEY	90.00
UTILITIES SECTION	15.00
VERIZON WIRELESS	32.65

CEMETERY

NEBRASKA PUBLIC POWER DI	60.71
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PAYFLEX	6.25
FIRE	
BLACK HILLS ENERGY	78.11
FIRST BANKCARD	800.00
FORT DEARBORN LIFE INSUR	178.88
FOUR STAR LAUNDRY	5.08
NEBRASKA PUBLIC POWER DI	386.69
PAPILLION SANITATION	14.56
SENIOR CITIZEN CTR	
BLACK HILLS ENERGY	144.74
FOUR STAR LAUNDRY	154.07
COMMUNITY CENTER	
AQUA CHEM INC	109.28
BLACK HILLS ENERGY	1,302.62
BOMGAARS SUPPLY	1.06
CHARTER BUSINESS	96.74
EGAN SUPPLY CO	391.33
FERGUSON ENTERPRISES	365.38
FISERV	187.50
FOUR STAR LAUNDRY	1,029.00
KONICA MINOLTA PREMIER F	278.83
MICHAEL ANZALONE	120.00
NOVA FITNESS EQUIPMENT	1,132.63
PAPILLION SANITATION	101.00
PAYFLEX	6.25
PAYLESS OFFICE PRODUCTS	262.05
SAM'S	229.55
VERIZON WIRELESS	64.68
AQUATIC	
BLACK HILLS ENERGY	18.86
IMPACT MANUFACTURING	5.00
PAPILLION SANITATION	76.58
WINDSTREAM	23.87
EMS	
BLACK HILLS ENERGY	78.11
FOUR STAR LAUNDRY	5.09
LIFE-ASSIST INC	1,242.98
NEBRASKA PUBLIC POWER DI	386.70
PAPILLION SANITATION	14.58
PAYFLEX	6.25
VERIZON WIRELESS	150.00

WATER

BLACK HILLS ENERGY	198.18
BOMGAARS SUPPLY	346.37
DANA F. COLE & COMPANY L	3,432.00
FIRST BANKCARD	51.82
HDR ENGINEERING INC	9,069.89
IMPACT MANUFACTURING	3,006.93
JEFF HENRY CHEVROLET	26.45
MUNICIPAL SUPPLY INC	191.21
NEBRASKA PUBLIC HEALTH E	616.06
NEBRASKA PUBLIC POWER DI	8,309.63
NEBRASKA RURAL WATER	375.00
PAYFLEX	6.25
TYLER TECHNOLOGIES	1,440.00
UTILITY EQUIPMENT COMPAN	66.93
VERIZON WIRELESS	101.93
WATER DEPARTMENT-PETTY C	490.24
WATKINS CONCRETE BLOCK C	142.50

SEWER

BLACK HILLS ENERGY	773.22
BOMGAARS SUPPLY	165.03
DANA F. COLE & COMPANY L	2,288.00
DPC INDUSTRIES INC	780.00
EMC INSURANCE COMPANY	1,000.00
HIGGINS HARDWARE	69.47
NEBRASKA PUBLIC POWER DI	2,300.39
VERIZON WIRELESS	32.65
WINDSTREAM	47.35

DRUG FORFEITURE

VERIZON WIRELESS	62.74
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29 POLICE SPECIAL REV

FIRST BANKCARD	499.95
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TOTAL CLAIMS 150,752.54

TOTAL SALARIES AND CLAIMS 345,418.34

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Dugan, seconded by Riese to approve Pay Application No. 1 submitted by Neuvirth Construction Inc. for Well No. 8 Site Improvements in the amount of \$151,202.25 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 B

Council Member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1858: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 1 OVERLAY (PUD-1); TO AMEND THE CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Riese, seconded by Wiemer to approve second (2nd) reading of ORDINANCE NO. 1858 by title only. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter and Riese. No-Brookhouser and Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 C

Council Member Dugan introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1859: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 2 OVERLAY (PUD-2); TO AMEND THE CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Dugan, seconded by Porter to approve second (2nd) reading of ORDINANCE NO. 1859 by title only. ROLL CALL: Yes-Wiemer, Derby, Porter, Riese and Dugan. No-Brookhouser and Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Council Member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1860: AN ORDINANCE ENACTING CHAPTER 3, ARTICLE I, SECTION 3-136 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011 RELATED TO THE**

FAILURE TO APPEAR IN COURT IN RESPONSE TO A CITATION ISSUED FOR THE VIOLATION OF A CITY ORDINANCE; TO AMEND CHAPTER 3, ARTICLE 7, SECTION 3-701 RELATED TO PENALTIES FOR OFFENSES; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Wiemer that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1860 be adopted on first reading by title only. After discussion, ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Riese moved for final passage of the ordinance, which motion was seconded by Dugan. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter and Brookhouser. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 B

Council Member Brookhouser introduced a Resolution numbered and titled as follows: **RESOLUTION NO. 13-021: 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**

Motion by Brookhouser, seconded by Tilson to adopt Resolution No. 13-021:

RESOLUTION NO. 13-021

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 Main Street Association 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 June 8, 2013 from 3:00 p.m. to

11:00p.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 June 8, 2013 from 3:00 p.m. 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 6th day of May 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Resolution No. 13-021 was read in to the record by Roger Johnson, City Attorney. ROLL CALL: Yes-Derby, Porter, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED

ITEM 9 C

Pursuant to publication, Mayor Bowman opened the public hearing at 7:14 p.m. with regard to the annexation of land to the City of Plattsmouth, Nebraska, described as follows:

(A) A PARCEL OF LAND BEING SITUATE IN PART OF THE SOUTHWEST 1/4 (SW ¼) OF THE NORTHWEST 1/4 (NW ¼) OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 24, THENCE N 89° 56' 03"E (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE NW ¼ A DISTANCE OF 378.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY 75, THENCE N 05° 10' 08"E ALONG SAID EAST RIGHT OF WAY LINE A DISTANCE OF 30.11 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING N 05° 10' 08"E ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 632.94 FEET; THENCE S 89° 53' 59"E A DISTANCE OF 458.29 FEET; THENCE S 05° 08' 48" W A DISTANCE OF 631.58 FEET, THENCE S 89° 56' 03" W A DISTANCE OF 458.65 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 6.62 ACRES, MORE OR LESS.

(B) A PARCEL OF LAND BEING SITUATE IN PART OF THE SOUTHWEST 1/4 (SW ¼) OF THE NORTHWEST 1/4 (NW ¼) OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 24, THENCE N 89° 45' 58" E (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE NW ¼ A DISTANCE OF 896.95 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 2ND AVENUE, THENCE N 04° 58' 16" E A DISTANCE OF 629.70 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, THENCE CONTINUING ON SAID RIGHT OF WAY LINE N 04° 58' 16" E A DISTANCE OF 50.00 FEET; THENCE N 89° 56' 17" E A DISTANCE OF 50.00 FEET; THENCE S 04° 56' 16" W A DISTANCE OF 50.00 FEET, THENCE S 89° 56' 17" W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2490.36 SQUARE FEET, MORE OR LESS,

AND

LOT 54 OSAGE RANCH SUBDIVISION, CASS COUNTY, NEBRASKA EXCEPT THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE WEST ¼ CORNER OF SAID SECTION 24, THENCE N 89° 45' 58" E (ASSUMED BEARING) ALONG THE SOUTH LINE OF THE NW ¼ A DISTANCE OF 896.95 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 2ND AVENUE, THENCE N 04° 58' 16" E A DISTANCE OF 629.70 FEET ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, THENCE CONTINUING ON SAID RIGHT OF WAY LINE N 04° 58' 16" E A DISTANCE OF 50.00 FEET; THENCE N 89° 56' 17" E A DISTANCE OF 50.00 FEET; THENCE S 04° 56' 16" W A DISTANCE OF 50.00 FEET, THENCE S 89° 56' 17" W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.15 ACRES MORE OR LESS

City Administrator, Erv Portis stated that at a previous meeting the Council approved a redevelopment plan for this area. Approval of the proposed annexation is necessary for the implementation of the previously approved redevelopment plan. No one else spoke in favor or opposition. Mayor Bowman closed the public hearing at 7:15 p.m.

ITEM 9 D

Council Member Dugan introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1861: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ANNEX TO THE CITY OF PLATTSMOUTH, NEBRASKA CERTAIN REAL ESTATE DESCRIBED HEREIN AND TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF PLATTSMOUTH, NEBRASKA; TO REPEAL ALL ORDINANCES IN CONFLICT; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Dugan, seconded by Riese to approve first (1st) reading of Ordinance No. 1861 by title only. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter.

No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 E

Council Member Riese introduced a Resolution numbered and titled as follows: **RESOLUTION NO. 13-022: SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM SUPPLEMENTAL AGREEMENT NO. 1 TO THE FEDERAL-AID TRANSPORTATION FUND PURCHASE-SALE AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH AND THE NEBRASKA DEPARTMENT OF ROADS.**

Motion by Riese, seconded by Dugan to adopt Resolution No. 13-022:

**RESOLUTION
SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM
SUPPLEMENTAL AGREEMENT NO. 1**

City of Plattsmouth

Resolution No. 13-022

WHEREAS, in 2011, LPA and the State entered into a Federal-Aid Transportation Fund Purchase-Sale Agreement (hereinafter referred to as "the Original Agreement") that provided for the State to purchase at a discount LPA's share of certain Surface Transportation Program Funding (hereinafter referred to as "STP") and the Highway Bridge Program (hereinafter referred to as "HBP") federal-aid funds that had been available to Nebraska LPAs; and,

WHEREAS, later in 2012, the federal government passed interim transportation funding legislation which eliminated the HBP category of funds and did not provide a replacement category of funds related solely to bridge replacement, rehabilitation and maintenance; and,

WHEREAS, the parties to this Supplemental Agreement intend to replace the HBP funds, which will no longer be available, with other federal-aid funds in a substantially similar proportional amount to provide LPAs with funds for bridge replacement, rehabilitation and maintenance; and

WHEREAS, it has also become necessary for the parties to further address certain National Bridge Inspection Standards compliance issues.

WHEREAS, City of Plattsmouth and the Nebraska Department of Roads (NDOR) wish to enter into Supplemental Agreement No. 1 setting out the necessary modifications to the Original Agreement.

Be It Resolved: by the governing body of City of Plattsmouth that:

_____ is hereby authorized to sign the attached Federal Funds Purchase Program Supplemental Agreement No. 1 between City of Plattsmouth and the NDOR.

Adopted this _____ day of _____, 2013 at _____ Nebraska.
(Month) (Year)

Resolution No. 13-022 was read in to the record by Roger Johnson, City Attorney. ROLL CALL: Yes-Wierner, Derby, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council Member Wierner introduced a Resolution numbered and titled as follows: **RESOLUTION NO. 13-023: SIGNING OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS SUPPLEMENTAL AGREEMENT NO. 1 – BM1242 FOR PROJECT NO. URB-6404(1) CONTROL NO. 22313, 4TH AVENUE-16TH STREET TO HILLCREST DRIVE.**

Motion by Wiemer, seconded by Derby to adopt Resolution No. 13-023:

RESOLUTION

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 1 – BM1242

City of Plattsmouth

Resolution No. 13-023

Whereas: City of Plattsmouth and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1242 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

Whereas: City of Plattsmouth understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

Whereas: City of Plattsmouth and NDOR wish to enter into Supplemental Project Program Agreement No. 1 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

Be It Resolved: by the City Council of the City of Plattsmouth, Nebraska that:

Michael Bowman, Mayor of the City of Plattsmouth, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 1 between the City of Plattsmouth and the NDOR.

City of Plattsmouth is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: URB-6404(1)

NDOR Control Number: 22313

Project Location: 4th Avenue, 16th St - Hillcrest

Adopted this _____ day of _____, 2013 at _____ Nebraska.
(Month) (Year)

Resolution No. 13-023 was read in to the record by Roger Johnson, City Attorney. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Brookhouser and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Porter, seconded by Brookhouser to approve payment of Invoice No. 11933 submitted by Kerns Excavating Company in the amount of \$1,190.00 for a block wall at the water tower baseball field. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Derby, seconded by Brookhouser to approve the reappointment of Steve Rishel to a 5 year term on the LB840 Economic Development Citizen Advisory Review Committee. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter and Brookhouser. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Brookhouser, seconded by Tilson to approve the appointment of Brad Ksiazek to fill a vacancy on the Plattsmouth Bridge Commission with a term that will expire 2017. ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 J

Jeff DeLine, Dana F. Cole & Company, LLP, certified public accountants-presented/briefly reviewed the City of Plattsmouth Financial Statement for fiscal year October 1, 2011 through September 30, 2012. Mr. DeLine was asked to clarify figures regarding the Keno loss and also what is the total debt for the City. After further discussion, the Mayor and Council thanked Mr. DeLine for his time.

ITEM 9 K

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest in regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 7:48 p.m. Motion by Riese, seconded by Wiemer to convene in closed session to protect the public interest in regard legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that Closed Session was to protect the public interest in regard legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement.

9:05 p.m. Motion by Riese, seconded by Derby to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

9:19 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