

PLATTSMOUTH CITY COUNCIL
June 3, 2013

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:10 o'clock p.m. on June 3, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry Kerns, 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 and City Inspector Kevin Larson.

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

Harlan Seyfer, Historian for the Plattsmouth Main Street Association presented information on the discovery of the Mouth of the Platte River and suggested the Council consider a commemoration next year.

Charles Jones, Plattsmouth Main Street Executive Director reviewed the schedule for the summer programs at the Entertainment Plaza.

ITEM 6-MAYORAL PROCLAMATIONS

- A There were no Mayoral Proclamations

ITEM 7-CONSENT AGENDA:

Motion by Brookhouser, seconded by Kerns to approve the Consent Agenda as presented with the additional claims:

- A Consider approval of the May 20, 2013 City Council Meeting Minutes
- B Consider approval of claims

DATE 5/31/2013

CITY OF PLATTSMOUTH

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CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES -05/31

General Admin 16,386.87

Humane 1,169.60

EMS 7,762.69
 Police 34,571.51
 Street 11,019.64
 Public Library 6,532.63
 Parks 2,696.00
 Oakhill Cemetery 1,376.80
 Senior Center 2,040.35
 Community Center 8,285.60
 Pool 3,318.97
 Water 5,480.10
 Sewer 5,340.86
 CBD 570.00
 TOTAL SALARIES 106,551.62

VARIOUS

AMERICAN FAMILY LIFE	215.59
BLUE CROSS BLUE SHIELD	38,554.20
DELTA DENTAL PLAN	2,054.25
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
MUTUAL OF OMAHA	49.21
MUTUAL OF OMAHA	580.93
PLATTSMOUTH STATE BANK	2,028.66
THE UNION CENTRAL LIFE I	155.02

GENERAL ADMINISTRATION

BAIRD HOLM LLP	994.50
BLACK HILLS ENERGY	429.85
CHARTER BUSINESS	40.00
DUGAN BUSINESS FORMS	215.20
JOHNSTON SUPPLY	29.98
KONICA MINOLTA BUSINESS	16.79
KONICA MINOLTA PREMIER F	296.16
PAYFLEX	37.50
PITNEY BOWES INC.	216.00

TYLER TECHNOLOGIES 1,750.00

OLMSTED & PERRY ENGINEER 5880.50

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 16.99
DEBRA S FLAHERTY 38.00
DOLLAR GENERAL 34.75
HEARTS UNITED 70.00

POLICE

CASS COUNTY SHERIFF 3,509.00
DAVID WALKER 132.42
DEBRA S FLAHERTY 114.00
DOLLAR GENERAL 15.00
FIRST BANKCARD 196.30
JACK'S UNIFORMS & EQUIPM 179.74
JEFF HENRY CHEVROLET 228.36
KONICA MINOLTA BUSINESS 11.12
KONICA MINOLTA PREMIER F 197.60
MJN INC 850.00
NATIONAL LAW ENFORCEMENT 81.99
PAYFLEX 25.00
PAYLESS OFFICE PRODUCTS 52.48
SLEUTH 200.00

STREET

BLACK HILLS ENERGY 153.30
BOMGAARS SUPPLY 52.70
CONWAY OIL COMPANY 3,045.27
HEIN CONSTRUCTION CO 15,534.56
NEBRASKA PUBLIC POWER DI 69.94
PAYFLEX 12.50
PLATTSMOUTH READY MIX IN 110.00
READY MIX CONCRETE CO 1,262.55

LIBRARY

BAKER & TAYLOR BOOKS 651.83
BLACK HILLS ENERGY 51.48
DEMCO 51.21
GALE 52.50
KONICA MINOLTA PREMIER F 197.60
MT LIBRARY SERVICES 128.25
NEBRASKA LIBRARY COMMISS 10.00
NEBRASKA PUBLIC POWER DI 418.77
WINDSTREAM 69.80

CHARTER BUSINESS 16.00
FIRST BANKCARD 1966.04

PARK & REC

B & D DIAMOND PRO 227.00
BLACK HILLS ENERGY 63.99
BOMGAARS SUPPLY 134.71
JOHN DEERE CREDIT 244.25
NEBRASKA PUBLIC POWER DI 171.41
STEPHEN C. WARGA 9.00
WINDSTREAM 54.74

CEMETERY

JOHN DEERE CREDIT 343.75
NEBRASKA PUBLIC POWER DI 49.63
PAYFLEX 6.25
WINDSTREAM 79.81

FIRE

BLACK HILLS ENERGY 23.35
CUMMINS CENTRAL POWER 897.31
FELD FIRE 2,817.00
FORT DEARBORN LIFE INSUR 175.44
FOUR STAR LAUNDRY 2.03
KATHRYN SHARP 300.00
MULLENAX AUTO SUPPLY 139.98

SENIOR CITIZEN CTR

MARATHON 135.00

BLACK HILLS ENERGY 123.50
CIT TECHNOLOGY 156.85
EGAN SUPPLY CO 105.86
FOUR STAR LAUNDRY 103.44

COMMUNITY CENTER

BLACK HILLS ENERGY 1,111.52
CHARTER BUSINESS 103.05
DEBRA S FLAHERTY 369.00
EGAN SUPPLY CO 265.13
FOUR STAR LAUNDRY 666.00
KONICA MINOLTA PREMIER F 278.83
MICHAEL ANZALONE 90.00
NEBRASKA AIR FILTER INC 44.34
O'KEEFE ELEVATOR CO INC 160.16
OMAHA DOOR & WINDOW COMP 278.44
PAYFLEX 6.25

PLATTSMOUTH CHAMBER OF C	40.00
AQUATIC	
AQUA CHEM INC	581.74
BLACK HILLS ENERGY	1,420.30
BOMGAARS SUPPLY	143.74
EGAN SUPPLY CO	1,101.20
ELIFEGUARD INC	735.95
FASTENAL COMPANY	15.60
FERGUSON ENTERPRISES	634.75
IMPACT MANUFACTURING	5.00
MENARDS	252.95
NATIONAL TICKET COMPANY	385.00
WINDSTREAM	23.56
ECONOMIC DEV - DTR PHASE 2	
JAMES P ULRICH	1,250.00
DEBT SERVICE	
WELLS FARGO	32,422.50
EMS	
BLACK HILLS ENERGY	23.36
FOUR STAR LAUNDRY	2.04
KATHRYN SHARP	300.00
MATHESON TRI-GAS INC	142.72
PAYFLEX	6.25
WATER	
BLACK HILLS ENERGY	135.49
BOMGAARS SUPPLY	62.98
HD SUPPLY WATERWORKS LTD	755.22
MISSISSIPPI LIME COMPANY	3,361.40
NEBRASKA DEPT OF ENVIRON	112,947.50
NEBRASKA PUBLIC HEALTH E	3,775.00
NEBRASKA PUBLIC POWER DI	116.04
PAYFLEX	6.25
SENSUS METERING SYSTEMS	1,524.60
SHERWIN WILLIAMS	575.32
USA BLUEBOOK	660.82
SEWER	
BLACK HILLS ENERGY	392.18
BOMGAARS SUPPLY	484.13
NEBRASKA PUBLIC POWER DI	42.28
USA BLUEBOOK	132.40
WATER ENVIRONMENT FEDERA	55.00

20	CSO PROJECT (CLEAN WATER SRF)	
	NEBRASKA DEPT OF ENVIRON	57,445.23
22	CSO PROJECT PHASE II	
	NEBRASKA DEPT OF ENVIRON	46,371.25
24	.05% SALES TAX STREET/SIDE MAINT	
	BOMGAARS SUPPLY	7.54
29	POLICE SPECIAL REV	
	FIRST BANKCARD	499.95

TOTAL CLAIMS 362,210.05

TOTAL SALARIES AND CLAIMS 468,761.67

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Dugan introduced an ordinance numbered and titled: **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 third (3rd) and final reading of ORDINANCE NO. 1861 by title only. ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 B

Steve Perry, Olmsted & Perry Consulting Engineers Inc. reviewed the bids received May 30, 2013 for the City Hall Re-Roofing and Repair Project and recommended Ciaccio Roofing Corp., the low bidder, which also has a 20 year warranty. Motion by Kerns, seconded by Riese to approve award of construction contract to Ciaacio Roofing Corp. for the City Hall Re-Roofing and Repair Project and authorize the Mayor to execute the contract. After discussion, ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Riese, seconded by Porter to approve Pay Application No. 2 submitted by Neuvirth Construction Inc. for Well No. 8 Site Improvements in the amount of \$55,738.80 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter,

Kerns, Brookhouser and Riese. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Pursuant to publication Mayor Bowman opened a public hearing at 7:25 p.m. with regard to a request for a kennel special use permit in a RR (Rural Residential) zoning district by Tom Harter on property located at 17705 Pioneer Trail, Plattsmouth, legally described as 01-12-13 Swallow Hills Estates Lot 39, SW1/4 06-12-14 & NW1/4 07-12-14, 9.45~ acres. Tom Harter, 17705 Pioneer Trail (applicant) reviewed measures to secure dogs and they are show dogs and family pets. Was informed by Kevin Larson, Inspector for City of Plattsmouth that he would need to apply for a special use permit. Harter stated he has 5 dogs-3 mastiffs. Please consider the application; Karen Campbell, 17668 Pioneer Trail reviewed incident of being surrounded by dogs (4-6 mastiffs) and presented documentation. Safety starts with recognition of the danger of pack behavior; Sam Distefano, 18006 Pioneer Trail referenced owner carelessness and expressed concern for public safety; Barbara Harter, 17705 Pioneer Trail stated they have 4 mastiffs-one had cancer and had to be put down. They are hobby breeders not commercial and the dogs are devoted to the family. Don't plan on getting any more dogs; Jody Distefano, 18006 Pioneer Trail presented a statement of objection from a neighbor, a sheriff's report, Sue Baker's report and a report on pack behavior. Is a dangerous and horrifying situation and is a safety issue; Jann Bergerson, 17937 Pioneer Trail referenced a petition that over ½ the neighborhood signed. There is a pack mentality and safety issues. No service from City for animal control. Asked council not to grant but if do approve ask for adequate liability insurance from the Harters; Mike Schuldt, 17691 Pioneer trail stated his only concern is with the commercial kennel-people can and do change their minds. Does not support unrestricted permit but wants the Harters to keep all their dogs. Is comfortable with restrictions Harter has offered; Joe Ehlers, 413 Whitman Ave. felt Harters are responsible. He was a dog breeder. Campbell hit the dogs with a stick and they didn't bite. Hopes council will grant; Patty Trouba, 17633 Pioneer Trail requested council not grant the permit. Referenced the impact on property values and safety. Presented an exhibit for the record; Bruce Dolan, 17820 Pioneer Trail is opposed to the permit, had a nephew who had half his face ripped off by a nice dog. In Wyoming packs of dogs chase antelope; Barry Trouba, 17633 Pioneer Trail asked council to deny kennel permit. There will be safety issues and noise issues. City does not take responsibility for animal control. Referenced a court case regarding Lincoln and covenants; Erv Portis, City Administrator stated that the City of Plattsmouth Animal Control has no jurisdiction outside the city limits; Janet McCartney, 19705 Shoreline Circle, Cass County Commissioner stated that the Cass County Sheriff must control vicious dog concerns; Heather Anschutz, 17943 Pioneer Trail presented and reviewed a factual timeline re: Opposition to Tom Harter's Application for a Special Use Permit for a Commercial Kennel Permit. Harters are not law abiding and they had an opportunity to have more than two dogs and they blew it. Website and face book page states size does matter-Mastiff's have a strong bite, double the strength of a pit bull. Breeding cannot be prevented but 2 dogs are plenty and pack behavior needs to be prevented; Karen Adkins, 17990 Pioneer Trail was asked to sign petition against the permit but the information that was given to them was untruthful and exaggerations so they were not willing to sign petition. Stated the Harter's apologized for the emotional e-mails and they have done what they could to address the mistakes. Harters not asking for a commercial kennel permit. In 18 yrs. have had 3 litters of puppies. The covenants are broken

so wishes they would go away or everyone follow. In support of application; David Campbell, 17668 Pioneer Trail objected to approval of application because dogs are big, powerful, occasionally out of control and Harter's have refused to accept responsibility; Tim Adkins, 17990 Pioneer Trail stated that he feels there are two issues: opposition to kennel and fear of large dogs. Harters want to keep the dogs they have and they have taken measures to control. Adjacent neighbors are not opposed-recommend approval with restrictions; Mark Bergerson, 17937 Pioneer Trail reminded the council of the past disrespect for the law, the original request was for 30 dogs and commercial breeding. Bergerson is against approval of the application for kennel permit; Kevin Larson, City Inspector entered documents, a memorandum dated 5-8-2013 and The Land Development Ordinance for the City of Plattsmouth-August 2006. No one else spoke on the issue. Mayor Bowman closed the public hearing at 8:27p.m.

ITEM 9 B

Mayor Bowman indicated the need for the council to go in to closed session to protect the public interest with regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 8:29 p.m. Motion by Dugan, seconded by Brookhouser to convene to Closed Session to protect the public interest with regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 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 with regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement.

9:26 p.m. Motion by Riese, seconded by Dugan to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

9:34 p.m. Motion by Porter, seconded by Kerns to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk