

PLATTSMOUTH CITY COUNCIL

July 1, 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 July 1, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Roger Johnson.

Notice of this meeting was given in advance by publication in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

ITEM 5-CITIZEN DELEGATION

Max Kathol, Executive Director of the Plattsmouth Chamber of Commerce presented the 2013 Plattsmouth Directory and Resource Guide which showcases Plattsmouth.

Charles Jones, Executive Director of Plattsmouth Main Street Association informed the Mayor and Council that the August 17, 2013 event (Wounded Warriors) will be held at the Plattsmouth Airport to accommodate the crowds and that it benefits wounded veterans and their families.

ITEM 6-MAYORAL PROCLAMATIONS

- A There were no Mayoral Proclamations

ITEM 7-CONSENT AGENDA:

Motion by Dugan, seconded by Wiemer to approve the Consent Agenda as presented:

- A Consider approval of the June 17, 2013 City Council Meeting Minutes
- B Consider approval of Department of Emergency Medical Services Roster
- C Consider approval of claims

DATE 6/28/2013

CITY OF PLATTSMOUTH

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CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES -06/28

General Admin 15,690.91

Humane 1,454.69
 EMS 8,221.49
 Police 31,336.96
 Street 11,005.48
 Public Library 6,466.90
 Parks 3,240.00
 Oakhill Cemetery 1,376.80
 Senior Center 2,152.35
 Community Center 6,959.54
 Pool 10,088.26
 Water 5,485.95
 Sewer 5,346.73
 CBD 570.00
 TOTAL SALARIES 109,396.06

VARIOUS

AMERICAN FAMILY LIFE	158.00
MUTUAL OF OMAHA	49.21
MUTUAL OF OMAHA	18.96
BLUE CROSS BLUE SHIELD	33,255.96
DELTA DENTAL PLAN	1,832.65
MUTUAL OF OMAHA	539.33
PLATTSMOUTH STATE BANK	1,288.44
THE UNION CENTRAL LIFE I	155.02

GENERAL ADMINISTRATION

BLACK HILLS ENERGY	19.36
FIRST BANKCARD	250.00
HIGGINS HARDWARE	81.09
JOHN BAXTER	50.00
KONICA MINOLTA BUSINESS	19.15
NOLL, INC	2,898.00
PAYFLEX	37.50
PAYLESS OFFICE PRODUCTS	62.45
PITNEY BOWES INC.	108.00
REID RICHTER	25.99
TYLER TECHNOLOGIES	12,701.29

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	65.43
NEBRASKA HUMANE SOCIETY	274.00
PAYLESS OFFICE PRODUCTS	31.99

POLICE

BOMGAARS SUPPLY	7.45
CASS COUNTY SHERIFF	3,509.00
ETS DEVELOPMENT GROUP, L	200.00
HENRY COLLISION CENTER	216.68
JACK'S UNIFORMS & EQUIPM	153.15
JEFF HENRY CHEVROLET	2,154.97
KAHLER CONSTRUCTION	1,652.00
KONICA MINOLTA BUSINESS	8.62
MJN INC	3,200.00
PAYFLEX	25.00
PAYLESS OFFICE PRODUCTS	9.99
REID RICHTER	3.58
STEVE RATHMAN	11.11
WARGA BROADCASTING LLC	300.00

STREET

BLACK HILLS ENERGY	48.83
BOMGAARS SUPPLY	131.30
FASTENAL COMPANY	1.20
LONNIE ILES	100.00
NEBRASKA PUBLIC POWER DI	588.22
OLD DOMINION BRUSH	1,069.40
PAYFLEX	12.50
PAYLESS OFFICE PRODUCTS	47.24
PLATTSMOUTH READY MIX IN	634.90
WOODHOUSE FORD SOUTH INC	25.86

LIBRARY

BAKER & TAYLOR BOOKS	599.45
BLACK HILLS ENERGY	21.34
CENTER POINT LARGE PRINT	529.17
GALE	54.00
MILLARD JAMES CARNES	500.00
O'KEEFE ELEVATOR CO INC	160.16
STEUBE'S THRIFTWAY	7.61

PARK & REC

BOMGAARS SUPPLY	64.87
FERGUSON ENTERPRISES	173.42

HIGGINS HARDWARE	5.68
IMPACT MANUFACTURING	6.15
NEBRASKA PUBLIC POWER DI	159.95
WOODHOUSE FORD SOUTH INC	2.86

CEMETERY

JOHN DEERE CREDIT	80.16
NEBRASKA PUBLIC POWER DI	31.83
PAYFLEX	6.25

FIRE

BILL DUDEK	84.37
BLACK HILLS ENERGY	15.57
BRIAN WUELLING	84.37
DEBBIE KNOPIK	22.50
FORT DEARBORN LIFE INSUR	175.44
FOUR STAR LAUNDRY	2.03
ISAIAH NIELSON	263.38
JOE GRADOVILLE	22.50
MICHAEL WILSON	281.24

SENIOR CITIZEN CTR

AIM	109.67
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COMMUNITY CENTER

AIM	109.67
AMERICAN RED CROSS- HEAL	19.00
AQUA CHEM INC	114.65
BLACK HILLS ENERGY	345.92
CHARTER BUSINESS	103.05
FERGUSON ENTERPRISES	49.40
FOUR STAR LAUNDRY	666.00
MECHANICAL SALES INC	4,868.00
MICHAEL ANZALONE	90.00
PAYFLEX	6.25

AQUATIC

AIM	109.66
AQUA CHEM INC	1,192.85
BLACK HILLS ENERGY	3,507.33
BOMGAARS SUPPLY	7.18
FERGUSON ENTERPRISES	4.55
MENARDS	594.00
NE DOL	36.00
PAPILLION SANITATION	150.31
PEPSI COLA	2,477.24

SAVAGE PLUMBING INC	95.00
ECONOMIC DEVELOPMENT	
PLATTSMOUTH MAIN STREET	5,000.00
DEBT SERVICE	
WATER & SEWER DEPARTMENT	6,113.22
EMS	
ARROW TOWING INC	250.00
BLACK HILLS ENERGY	15.57
FOUR STAR LAUNDRY	2.04
HIGGINS HARDWARE	3.49
KATHRYN SHARP	400.00
LIFE-ASSIST INC	535.93
LINDER TIRE & AUTO INC	263.83
NEBRASKA STATEWIDE EMS C	370.00
PAYFLEX	6.25
PREMIER HEALTH CARE SERV	2,500.00
RIAN TODD WILSON	128.38
SHOPKO STORES OPERATING	79.99
WATER	
BLACK HILLS ENERGY	39.16
BOMGAARS SUPPLY	432.27
DUGAN BUSINESS FORMS	98.71
HAWKINS INC	389.00
HD SUPPLY WATERWORKS LTD	574.39
HDR ENGINEERING INC	4,155.90
HIGGINS HARDWARE	1.12
KENNETH DALE ANDERSON JR	4,120.00
NEBRASKA PUBLIC HEALTH E	129.00
NEBRASKA PUBLIC POWER DI	122.62
PAYFLEX	6.25
UTILITY EQUIPMENT COMPAN	57.71
WENTZ HOLDING LLC	750.00
SEWER	
BLACK HILLS ENERGY	175.19
BOMGAARS SUPPLY	135.37
GRAINGER	16.93
NEBRASKA PUBLIC POWER DI	43.02
PRUITT OUTDOOR POWER	88.08
TILSON AUTOMOTIVE	849.98
.05% SALES TAX STREET/SIDE MAINT	
BOMGAARS SUPPLY	14.36

FERGUSON ENTERPRISES	19.59
HOSE & HANDLING INC	224.37
MENARDS	20.17
MR LANDSCAPE NURSERY	1,974.00
SPRAGUE ELECTRIC	100.00
UNITED ELECTRIC SUPPLY C	79.85

TOTAL CLAIMS 116,328.59
TOTAL SALARIES AND CLAIMS 225,724.65

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Derby, seconded by Riese to approve the request of the Plattsmouth Main Street Association for street closings for The 5th Annual Motorcycles-On-Main to be held August 31, 2013 from 3:00 p.m. to 10:00 p.m. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Council Member Riese introduced a Resolution numbered and titled: RESOLUTION NO. 13-031: **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** for The 5th Annual Motorcycles-On-Main to be held August 31, 2013.

Motion by Riese, seconded by Brookhouser to adopt Resolution No. 13-031:

RESOLUTION NO. 13-031

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 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 August 31, 2013 from 3:00 p.m. to 10:00 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 August 31, 2013 from 3:00 p.m. to 10:00 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 1st day of July 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-031 in to the record. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council member Riese introduced a resolution numbered and titled: **RESOLUTION NO. 13-030: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO GRANT A SPECIAL USE PERMIT FOR A KENNEL IN RURAL RESIDENTIAL (RR) ZONING DISTRICT.**

Motion by Riese, seconded by Brookhouser to adopt Resolution No. 13-030 as amended:

RESOLUTION NO. 13-030

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO GRANT A SPECIAL USE PERMIT FOR A KENNEL IN RURAL RESIDENTIAL (RR) ZONING DISTRICT.

WHEREAS, an application has been made for a special use permit for the operation of a kennel in Rural Residential (RR) zoning district by Tom and Barb Harter, 17705 Pioneer Trail;

WHEREAS, the Planning Commission of the City of Plattsmouth has recommended denial of said special use permit following a public hearing; and

WHEREAS, the Mayor and City Council have conducted a public hearing on the application during the June 3, 2013 City Council meeting.

NOW THEREFORE, BE IT RESOLVED that the following are the findings of facts made by the Mayor and City Council:

1. LAND USE COMPATIBILITY

a. Development Density - Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features. Current building coverage, including a house and a detached garage, is 2,592 square feet on a 9.5 acre lot, for a total building coverage of .6 percent. Allowable building coverage in a RR zoning district is 30 percent.

2. HEIGHT AND SCALE

a. Height and Bulk - Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations. The house on the site is a two-story home with a basement. The detached garage is a single-story structure. Both have conventional siding and are similar to other homes and garages in Swallow Hills.

b. Setbacks - Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics. Required setbacks in a RR zoning district are: front yard, 50 feet, side yard, 25 feet, rear yard, 35 feet. Existing setbacks at this site are: front yard, 240 feet, side yard, 40 feet north and 280 feet south, rear yard 580 feet. The nearest house to the proposed kennel site is over 300 feet to the south.

c. Building Coverage - Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities. Of the improved lots in Swallow Hills, building coverage ranges from a high of 2.8 percent to a low of .3 percent, with an average building coverage of .75 percent. Building coverage on Lot 39 Swallow Hills is .6 percent.

3. SITE DEVELOPMENT

a. Frontage - Project frontage along a street should be similar to lot width. Frontage on Lot 39 Swallow Hills is roughly 600 feet, with the lot tapering to a rear lot width of roughly 400 feet. Due to the terrain, road design, and use of cul-de-sacs in Swallow Hills, few of the lots are symmetrical. Generally, the lots in Swallow Hills have an average lot width of about 400 feet.

b. Parking and Internal Circulation - Parking should serve all structures with minimal conflicts between pedestrians and vehicles. In addition to the parking spaces in the attached and detached garages, there are six hard-surface (rock) parking spaces near the house and proposed kennel. There will be no parking on dedicated roads, minimizing conflicts between pedestrians and vehicles.

c. All structures must be accessible to public safety vehicles - The home and proposed kennel are accessed by a single-lane, roughly 300 foot rock drive, which would provide access to public safety vehicles.

d. Development must have access to adjacent public streets and ways - The property's rock driveway accesses Pioneer Trail, a publicly dedicated rock road.

e. Internal circulation should minimize conflicts and congestion at public access points - Between the house and detached garage is a rock area that can accommodate parking for up to six vehicles and still allow turning ingress and egress to the site.

f. Landscaping - Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of the site with sensitive environmental features or natural drainage ways should be preserved. The site is heavily wooded and is situated so that the house and buildings are not visible from the road.

4. BUILDING DESIGN

a. Architectural design and building materials should be compatible with surrounding areas or highly visible locations - The home and detached garage are of conventional design and construction, and are sided and painted in a manner similar to other homes in the development.

5. OPERATING CHARACTERISTICS

a. Traffic Capacity - Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations. According to the application, on-site business with customers will be by appointment on Saturdays between 9 a.m. and 9 p.m.

b. External Traffic Effects - Project design should direct non-residential traffic away from residential areas - The site is accessed by a 300 foot driveway and on-site parking is available.

c. Operating Hours - Projects with long operating hours must minimize effects on

surrounding residential areas - Applicant states operating hours will be 9 a.m. to 9 p.m. on Saturdays and only by appointment.

d. Outside Storage - Outside storage areas must be screened from surrounding streets and less intensive land uses - No outside storage is planned.

6. PUBLIC FACILITIES

a. Sanitary Waste Disposal - Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual systems, if permitted, shall not adversely affect public health, safety, or welfare - Sanitary sewer must have adequate capacity to serve development. The site is served by an on-site wastewater system. Sanitary sewer is not available in the Swallow Hills development.

b. Storm Water Management - Development should handle storm water adequately to prevent overloading of public storm water management system - Existing drainage will remain in place. Storm water management practices will be required if additional construction or paving is undertaken.

c. Development should not inhibit development of other properties - According to the application, existing setbacks will be maintained and other properties in the area will be able to develop according to regulations.

d. Development should not increase probability of erosion, flooding, landslides, or other run-off related effects - Proposed improvements include fencing to enclose a roughly 6,000 square foot (.14 acre) dog run on the 9.45 acre site. Limited grading will be needed, and appropriate storm water management practices will be required. A building permit will be required for any fencing.

e. Utilities - Project must be served by utilities - The site is served by S.I.D. 7 water, on-site wastewater, NPPD electricity, and Windstream telephone.

7. COMPREHENSIVE PLAN

a. Projects should be consistent with the comprehensive development plan of Plattsmouth - Kennels are defined in the Land Development Ordinance for the City of Plattsmouth as, "Boarding and care services for dogs, cats, and similar small mammals or bipedal birds, or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities, pet motels or dog training centers."

The Comprehensive Plan's annexation map categorizes areas outside the corporate boundaries into four numerical categories based on the likelihood of incorporation into the city (Phase 1 being the most likely and Phase 4 being the least likely). Swallow Hills is in Phase 3. "This area is not served by city services and is composed of large-lot residential Development. Pressure to annex this area will be created by development to the north."

Swallow Hills is categorized by the city's Future Land Use Map as Rural/Residential Estates and is zoned Rural Residential (RR). Characteristics of Rural/Residential Estates include: "Restrictive land uses, emphasizing housing and open space. Civic uses may be allowed with special use permission."

Kennels are defined under the commercial uses in the Land Development Ordinance for the City of Plattsburgh; however, Table 4-1 of the Land Development Ordinance for the City of Plattsburgh allows Kennels in a RR zoning district with a special use permit.

BE IT FURTHER RESOLVED by the Mayor and City Council that the application of Tom and Barb Harter for a special use permit for a kennel operation at 17705 Pioneer Trail is approved subject to the following conditions:

1. Applicant must demonstrate that their dogs will be confined and not allowed to run at large.
2. Site must be kept clean and applicant must properly dispose of kennel waste.
3. Applicant provides an annual veterinarian report regarding the condition, health, and number of dogs.
4. Limit the total number of dogs on the property to the applicant's request for five, and as the current dogs decrease the same shall not be replaced.
5. The zoning administrator/building inspector or his designee shall conduct 4 site visits per year for the purpose of ensuring compliance with this resolution.
6. The public shall visit the site only by appointment.
7. There shall be no public boarding of dogs owned by third parties.
8. No more than 3 litters shall be produced in any 12 month period of time.
9. There shall be no more than 30 dogs offered for sale, lease or transfer in any 12 month period of time.
10. The special use permit shall be issued to the owner, not to the property.

BE IT FURTHER RESOLVED by the Mayor and City Council that if any of the above conditions are not satisfied that the special use permit is subject to revocation.

PASSED AND APPROVED this 1ST day of July 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-030 in to the record. After discussion, ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Kerns and Brookhouser. No-Porter. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Motion by Wiemer, seconded by Kerns to approve Pay Application No. 3 submitted by Neuvirth Construction Inc. for Well No. 8 Site Improvements in the amount of \$34,240.05 and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Motion by Brookhouser, seconded by Tilson to approve Pay Application No. 1 submitted by Judds Brothers Const. Co. for the Water Treatment Plant CO2 Tank Replacement in the amount of \$54,225.00 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Riese, seconded by Tilson to approve the Daniel and Sara Bird Housing Rehabilitation Subordination agreement and an amendment to the Promissory Note and direct the Mayor to execute the documents. Following discussion, ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Motion by Brookhouser, seconded by Riese to authorize the publication and solicitation of bids for street maintenance and repair asphalt mill and over lay projects to extend the life of the streets and to maintain safe travel. After discussion, ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council Member Kerns stated that he would be abstaining from any discussion or action on this item as he is president and major share holder of Kerns Excavating Company. Motion by Porter, seconded by Brookhouser to approve payment of Invoice Number 11974 submitted by Kerns

Excavating Company in the amount of \$3,919.75 for investigation of a sewer leak on 6th Avenue and tap manhole and reconnect 6" main pour concrete. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Brookhouser and Tilson. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 12

7:41 p.m. Motion by Porter, seconded by Tilson to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk