

PLATTSMOUTH CITY COUNCIL
August 5, 2013

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:07 o'clock p.m. on August 5, 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, City Treasurer Roger Davis 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 4-CITIZEN DELEGATION

Charles Jones, Plattsmouth Main Street Executive Director informed the Mayor and Council that last weekend's event "Taste of Plattsmouth" was an outstanding event. Jones also reviewed some of the upcoming events.

ITEM 5-MAYORAL PROCLAMATIONS

- A Mayor Bowman proclaimed August 16, 2013 as Disabled American Veterans Forget-Me-Not Day and read the proclamation in to the record

ITEM 6-CONSENT AGENDA:

Motion by Brookhouser, seconded by Tilson to approve the Consent Agenda as presented:

- A Consider approval of the July 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 an event (Plattsmouth Harvest Festival) being held at the Plattsmouth Entertainment Plaza, South 4th Street-Main Street south to the alley, Plattsmouth on September 6, 2013 from 12:00 p.m. to 12:30 a.m. and September 7, 2013 from 12:00 p.m. to 12:30 a.m.
- D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES -07/26

General Admin 12,480.29
Humane 1,169.60
EMS 7,582.61
Police 31,032.39
Street 11,045.29
Public Library 6,587.00
Parks 3,108.00
Oakhill Cemetery 1,376.80
Senior Center 1,918.35
Community Center 7,207.35
Pool 11,012.30
Water 5,469.95
Sewer 5,330.74
CBD 570.00
TOTAL SALARIES 105,890.67

VARIOUS

AMERICAN FAMILY LIFE	665.91
DELTA DENTAL PLAN	1,943.45
FRATERNAL ORDER OF POLIC	360.00
MUTUAL OF OMAHA	560.13
PLATTSMOUTH STATE BANK	1,288.44
THE UNION CENTRAL LIFE I	155.02

GENERAL ADMINISTRATION

BAIRD HOLM LLP	526.50
BLACK HILLS ENERGY	18.62
CHARTER BUSINESS	40.00
DANA F. COLE & COMPANY L	1,550.00
KONICA MINOLTA BUSINESS	22.74
NEBRASKA PUBLIC POWER DI	1,162.75
NOLL, INC	4,768.32
OMAHA WORLD HERALD	91.00
PAYFLEX	37.50
PAYLESS OFFICE PRODUCTS	212.13
PITNEY BOWES	2,500.00
PLATTSMOUTH STATE BANK	10.00
STEPHEN C. WARGA	36.00
TYLER TECHNOLOGIES	2,500.00
VERIZON WIRELESS	83.19

VOSS LIGHTING	8.85
WELCH LAW FIRM LLC	5,139.00

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	34.98
LAMBERT VET SUPPLY	98.29
NEBRASKA PUBLIC POWER DI	141.62
SHOPKO STORES OPERATING	6.80
VERIZON WIRELESS	40.01

POLICE

FIRST BANKCARD	177.93
INTERNATIONAL ASSOC OF C	662.49
JACK'S UNIFORMS & EQUIPM	152.39
JEFF HENRY CHEVROLET	305.70
KAHLER CONSTRUCTION	4,180.00
KONICA MINOLTA BUSINESS	8.43
MJN INC	350.00
NATIONAL LAW ENFORCEMENT	324.83
NEBRASKA LAW ENFORCEMENT	50.00
PAYFLEX	25.00
PAYLESS OFFICE PRODUCTS	78.49
SLEUTH SYSTEMS	200.00

STREET

ALLIED OIL & TIRE COMPAN	467.95
BARNES DISTRIBUTION	206.04
BLACK HILLS ENERGY	46.93
BOMGAARS SUPPLY	278.38
FASTENAL COMPANY	4.21
HDS WHITE CAP CONST SUPP	898.00
JOHN DEERE CREDIT	105.51
NEBRASKA PUBLIC POWER DI	7,895.42
PAYFLEX	12.50
PAYLESS OFFICE PRODUCTS	30.36
PLATTSMOUTH READY MIX IN	1,589.04
VERIZON WIRELESS	126.00

LIBRARY

AMERICAN PATRIOT PICTURE	19.99
BAKER & TAYLOR BOOKS	1,750.97
BLACK HILLS ENERGY	21.31
CENTER POINT LARGE PRINT	216.90
CHARTER BUSINESS	16.00
EGAN SUPPLY CO	56.20

FIRST BANKCARD	2,059.42
GALE	55.00
NEBRASKA LIBRARY COMMISS	397.45
NEBRASKA PUBLIC POWER DI	912.95
RESEARCH TECHNOLOGY INTE	115.95
WINDSTREAM	56.46
PARK & REC	
BLACK HILLS ENERGY	18.62
BOMGAARS SUPPLY	176.94
FERGUSON ENTERPRISES	80.10
HOSE & HANDLING INC	200.70
JOHN DEERE CREDIT	1,169.10
LINDER TIRE & AUTO INC	60.00
MENARDS	179.80
MULLENAX AUTO SUPPLY	62.97
NEBRASKA PUBLIC POWER DI	334.73
PILOT ROCK	703.98
PROFESSIONAL WASTE WATER	300.00
VERIZON WIRELESS	31.50
CEMETERY	
BOMGAARS SUPPLY	291.14
FASTENAL COMPANY	1.67
NEBRASKA PUBLIC POWER DI	29.99
PAYFLEX	6.25
FIRE	
FORT DEARBORN LIFE INSUR	175.44
MICHAEL WILSON	281.24
SENIOR CITIZEN CTR	
NEBRASKA PUBLIC POWER DI	1,012.31
PAYLESS OFFICE PRODUCTS	26.48
COMMUNITY CENTER	
AQUA CHEM INC	397.25
BLACK HILLS ENERGY	137.50
CHARTER BUSINESS	323.99
CI SOLUTIONS	559.73
FERGUSON ENTERPRISES	31.08
FOUR STAR LAUNDRY	666.00
FRANCES E WALSH	50.74
JOHN'S APPLIANCE	310.42
MICHAEL ANZALONE	120.00
MID-STATES SUPPLY COMPAN	58.86

NEBRASKA PUBLIC POWER DI	9,110.78
PAYFLEX	6.25
USA BLUEBOOK	80.43
UTILITY EQUIPMENT COMPAN	46.51
VERIZON WIRELESS	62.58
VERNE SIMMONDS CO	133.71

AQUATIC

AQUA CHEM INC	1,673.08
BLACK HILLS ENERGY	1,022.06
FERGUSON ENTERPRISES	307.08
JOHN'S APPLIANCE	570.55
NEBRASKA PUBLIC POWER DI	2,634.95
PEPSI COLA	767.32
PILOT ROCK	703.98
SHOPKO STORES OPERATING	38.49

ECONOMIC DEV - DTR PHASE 2

MARKUSON CONSTRUCTION IN	14,370.00
REHMEIER CONSTRUCTION	39,875.00

EMS

DAVID COOMBS	718.10
LIFE-ASSIST INC	1,727.10
PAYFLEX	6.25
VERIZON WIRELESS	150.00
MUTUAL OF OMAHA	49.21

WATER

AMI GROUP INC	50.00
BLACK HILLS ENERGY	39.14
BOMGAARS SUPPLY	93.25
KNIGHT TRUCKING LLC	672.00
MISSISSIPPI LIME COMPANY	3,361.40
NEBRASKA PUBLIC HEALTH E	149.00
NEBRASKA PUBLIC POWER DI	10,611.08
NEBRASKA SAFETY COUNCIL	132.50
PAYFLEX	6.25
PLATTSMOUTH READY MIX IN	792.64
POLLARD WATER.COM EAST	75.07
RHYLANDER WELDING & MFG	212.37
TYLER TECHNOLOGIES	9,633.43
VERIZON WIRELESS	94.50
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96

PLATTSMOUTH STATE BANK	38.69
SEWER	
BLACK HILLS ENERGY	134.42
BOMGAARS SUPPLY	41.44
DPC INDUSTRIES INC	705.00
FIRST BANKCARD	347.79
MID-IOWA SOLID WASTE EQU	3,000.00
NEBRASKA PUBLIC POWER DI	3,322.06
NEBRASKA SAFETY COUNCIL	132.50
PAYLESS OFFICE PRODUCTS	31.98
PHONETICS INC	420.00
RASMUSSEN MECHANICAL SER	285.63
UTILITY EQUIPMENT COMPAN	566.00
VERIZON WIRELESS	31.50
DRUG FORFEITURE	
VERIZON WIRELESS	53.99
24 .05% SALES TAX STREET/SIDE MAINT	
BOMGAARS SUPPLY	215.12
FERGUSON ENTERPRISES	21.30
HDS WHITE CAP CONST SUPP	2,706.00
MENARDS	28.08
MULLENAX AUTO SUPPLY	12.29
TOTAL CLAIMS	168,008.23
TOTAL SALARIES AND CLAIMS	273,898.90

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

ITEM 7-UNFINISHED BUSINESS

ITEM 7 A

Motion by Riese, seconded by Tilson the approve first (1st) reading of Ordinance 1863 by title only. ORDINANCE NO. 1863: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM AGRICULTURAL DISTRICT (AG) TO RURAL RESIDENTIAL DISTRICT (RR); 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. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer. Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1863 by title only.

ITEM 7 B

Motion by Riese, seconded by Wiemer to approve the CO2 Tank Replacement Change Order No. 2, authorizing an increase of \$1,756.17 for a new total contract price of \$269,863.33, and authorize the Mayor to execute Change Order No. 2. Following discussion, ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 C

Motion by Wiemer, seconded by Derby to approve Pay Application No. 2 submitted by Judds Brothers Const. Co. for the Water Treatment Plant CO2 Tank Replacement in the amount of \$183,830.55 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 D

Motion by Kerns, seconded by Riese to approve Well No. 8 Site Improvements Change Order No. 1, authorizing an increase of \$21,278.00 to furnish and install new control panels for Well Nos. 4, 5 and 7 as they are damaged and in unusable condition and authorize the Mayor to execute Change Order No. 1. After discussion, ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 E

Motion by Dugan, seconded by Riese to approve Pay Application No. 4 submitted by Neuvirth Construction Inc. for the Plattsmouth Water Treatment Plant Well House No. 8 Site Improvements in the amount of \$117,942.03 and authorize the Mayor to execute Pay Application No. 4. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 7 F

Motion by Riese, seconded by Wiemer to accept the recommendations of the Housing Advisory Review Committee for construction projects No. 2; 3; 4; 5; 6; and 7 and authorize the Mayor to execute the above listed construction project contracts. Emily Bausch, Southeast Nebraska Development District Community Development Specialist reviewed the maximum allowed per project, steps being used to provide efficiency, the identification process for eligible houses and the minimum standards used based on the HUD criteria. After further discussion, ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 – NEW BUSINESS

ITEM 8 A

Council Member Brookhouser introduced a resolution numbered and titled: RESOLUTION NO. 13-032: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 226 MAIN STREET (EAST LOT), PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Tilson to adopt RESOLUTION NO. 13-032:

RESOLUTION NO. 13-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 226 MAIN STREET (EAST LOT), PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 226 Main Street (East Lot) failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$617.29; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 226 Main Street (East Lot), Plattsmouth, Nebraska 68048 legally described as: PARCEL #130004995: Lot 4, The West 102 feet of the North half of Lot 5 and all of Lots 8, 9 and 10, Block 31, in the City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$617.29 and that said amount is hereby levied against said property which shall be due in a single payment not later than September 24, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before September 24, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 5th day of August 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-032 in to the record. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Mayor Bowman stated that Item 8 B would not be considered as they could not have the public hearing due to an error in the address.

ITEM 8 C

Council Member Dugan introduced a resolution numbered and titled: RESOLUTION NO. 13-034: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 318 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Brookhouser to adopt RESOLUTION NO. 13-034:

RESOLUTION NO. 13-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 318 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 318 Hillcrest Drive failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$525.29; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 318 Hillcrest Drive, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130017132 Lot 29, Hillcrest Subdivision of Hay's Addition to the City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$525.29 and that said amount is hereby levied against said property which shall be due in a single payment not later than September 24, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before September 24, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 5th day of August 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Council discussed options for repeat offenders. After further discussion, City Attorney Roger Johnson read Resolution No. 13-034 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 D

Motion by Brookhouser, seconded by Tilson to approve the appointment of the following as new volunteer members to the Plattsmouth EMS Department: April Evans; Ricki Brison; and Kristeen Hamilton. ROLL CALL: Yes-Wierner, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Motion by Kerns, seconded by Porter to approve the Plattsmouth EMS Department Roster as presented. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Motion by Riese, seconded by Brookhouser to approve the appointment of the following as a new member to the Plattsmouth Volunteer Fire Department: Kyle Ross. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 G

Motion by Wiemer, seconded by Riese to approve the Plattsmouth Volunteer Fire Department Roster as presented. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 H

Mayor Bowman indicated the need for the council to go in to a Closed Session to protect the public interest with regard to legal contractual and negotiation matters related to the purchase of real estate from Union Pacific Rail Road; and legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 7:48 p.m. Motion by Riese, seconded by Porter to convene in Closed Session to protect the public interest with regard to legal contractual and negotiation matters related to the purchase of real estate from Union Pacific Rail Road; and legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal

Agreement. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-None. 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 purchase of real estate from Union Pacific Rail Road; and legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement.

8:38 p.m. Motion by Riese, seconded by Tilson to reconvene in regular session. On a voice vote, MOTION CARRIED.

ITEM 11

8:52 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