

PLATTSMOUTH CITY COUNCIL
September 16, 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 September 16, 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 and Wanda Wiemer. Council Members Absent: Terry Kerns and Doug Derby. 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 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

A There were no Mayoral Proclamations

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of the September 3, 2013 City Council Meeting Minutes
- B Consider approval of claims

Payroll Claim

Pay Date: 8/23/13
General 15,383.47
Humane 1,169.60
EMS 7,576.99
Police 31,998.20
Street 11,559.01
Library 6,737.05
Park 1,588.00
Cemetery 1,402.62
Senior 1,850.65
Com Ctr 6,643.91

Twin Rivers 3,197.79
Water 5,488.93
Sewer 5,349.70
CBD 570.00

100,515.92

VARIOUS DEPARTMENTS

AMERICAN FAMILY LIFE 665.91
BLUE CROSS BLUE SHIELD 38,057.49
CENTRAL UNITED LIFE INSURANCE 265.44
DELTA DENTAL PLAN 2,054.25
MUTUAL OF OMAHA 989.42
PLATTSMOUTH STATE BANK 1,288.44
THE UNION CENTRAL LIFE INSURANCE CO 154.83
AMERITAS LIFE INSURANCE CORP 10,384.01

Department : 01 - GENERAL ADMINISTRATION

CIACCIO ROOFING 27,492.00
BLACK HILLS ENERGY 18.61
C SCOTT SERVICES 176.50
COMPUTER CABLE CONNECTION 31.70
HEARTLAND TECHNOLOGY SOLUTIONS 416.50
HIGGINS HARDWARE 1.68
KONICA MINOLTA BUSINESS SOLUTIONS 17.78
NEBRASKA PUBLIC POWER DISTRICT 833.82
OLMSTED & PERRY ENGINEERING 3,619.04
PAYFLEX 37.50
PITNEY BOWES 132.67
PITNEY BOWES INC. 117.42
PLATTSMOUTH STATE BANK 99.02
SHOPKO STORES OPERATING CO LLC 8.99
TYLER TECHNOLOGIES 5,824.71
VOSS LIGHTING 44.80

Department : 02 - HUMANE/CODE ENFORCEMENT

HEARTS UNITED 50.00
HENRY COLLISION CENTER 1,591.50
LAMBERT VET SUPPLY 148.57
PAYLESS OFFICE PRODUCTS 69.98

Department : 03 - EMS

BLACK HILLS ENERGY 20.94
LIFE-ASSIST INC 128.90
MATHESON TRI-GAS INC 121.05

Department : 04 - POLICE

FIRST BANKCARD 277.41

FORD CREDIT DEPT 67-434	7,702.93	
HENRY MOTORS SERVICE CENTER	76.06	
JACK'S UNIFORMS & EQUIPMENT	77.94	
JONATHAN HARDY	115.70	
KAHLER CONSTRUCTION	465.00	
KONICA MINOLTA BUSINESS SOLUTIONS		9.79
MJN INC	5,250.00	
MULLENAX AUTO SUPPLY	129.00	
NSA/POAN CONFERENCE	210.00	
OMAHA TACTICAL LLC	425.00	
PAYFLEX	25.00	
PAYLESS OFFICE PRODUCTS	35.94	
PHOENIX RBT SOLUTIONS LLC	1,179.76	

Department : 05 - STREET

BLACK HILLS ENERGY	44.62	
BOMGAARS SUPPLY	229.37	
FASTENAL COMPANY	1.49	
LONNIE ILES	185.00	
MR EDS FLAGPOLE CO	80.25	
NEBRASKA PUBLIC POWER DISTRICT	7,730.22	
OLMSTED & PERRY ENGINEERING	8,013.05	
PAYFLEX	12.50	
PLATTSMOUTH READY MIX INC	1,503.59	
PLATTSMOUTH STATE BANK	16.49	

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS	422.00	
BIBLIOTHECA INC	333.20	
BLACK HILLS ENERGY	21.26	
BOMGAARS SUPPLY	9.99	
DOLLAR GENERAL	17.60	
FIRST BANKCARD	1,575.03	
MT LIBRARY SERVICES	128.25	
OCLC INC	127.10	
PLASTICARDS INC	430.00	

Department : 07 - PARK & REC

A & M GREEN POWER	1,482.70	
BLACK HILLS ENERGY	18.61	
BOMGAARS SUPPLY	25.98	
LINDER TIRE & AUTO INC	174.00	
QUALITY FENCE COMPANY	3,608.34	
PLATTSMOUTH STATE BANK	10.00	

Department : 08 - CEMETERY

FASTENAL COMPANY	21.31	
IMPACT MANUFACTURING	120.00	

NEBRASKA PUBLIC POWER DISTRICT 34.01
PANKONIN'S INC 49.60
PAYFLEX 6.25

Department : 10 - FIRE

BLACK HILLS ENERGY 20.94
CUMMINS CENTRAL POWER 15.56
FORT DEARBORN LIFE INSURANCE CO. 182.32
FOUR STAR LAUNDRY 8.14
GRANNETTE INC 1,200.00
R LEE BOGLE 78.91

Department : 11 - SENIOR CITIZEN CTR

BLACK HILLS ENERGY 23.69
FOUR STAR LAUNDRY 53.90
HEARTLAND TECHNOLOGY SOLUTIONS 416.50

Department : 12 - DEBT SERVICE

PLATTSMOUTH STATE BANK 2,270.00

Department : 16 - ECONOMIC DEVELOPMENT

CASS COUNTY NEBRASKA ECONOMIC DEV 3,750.00

Department : 17 - COMMUNITY CENTER

ASSOCIATED SUPPLY CO 351.39
BLACK HILLS ENERGY 213.25
BOMGAARS SUPPLY 16.87
CHARTER BUSINESS 103.05
EGAN SUPPLY CO 687.65
FOUR STAR LAUNDRY 999.00
HEARTLAND TECHNOLOGY SOLUTIONS 416.50
JOHN'S APPLIANCE 27.90
MICHAEL ANZALONE 120.00
NEBRASKA AIR FILTER INC 227.32
O'KEEFE ELEVATOR CO INC 160.16
PAYFLEX 6.25
PLATTSMOUTH STATE BANK 28.16

Department : 18 - AQUATIC

ALLIED OIL & TIRE CO 302.71
BLACK HILLS ENERGY 1,031.55
BOMGAARS SUPPLY 20.68
THE THOMPSON COMPANY 4,093.05

Department : 19 - ECONOMIC DEV - DTR PHASE 2

HERMAN J SCHOLL 16,800.00
REHMEIER CONSTRUCTION 5,375.00

Department : 20 - WATER

BLACK HILLS ENERGY	39.14	
BOMGAARS SUPPLY	331.94	
C SCOTT SERVICES	88.25	
COMPUTERS TO GO	437.50	
CUMMINS CENTRAL POWER	224.85	
HACH COMPANY	346.59	
HEARTLAND TECHNOLOGY SOLUTIONS	208.25	
HIGGINS HARDWARE	36.36	
KNIGHT TRUCKING LLC	672.28	
MISSISSIPPI LIME COMPANY	3,361.40	
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB		719.00
PAYFLEX	6.25	
PLATTSMOUTH READY MIX INC	377.41	
TYLER TECHNOLOGIES	1,781.25	
USA BLUEBOOK	32.22	
VOSS LIGHTING	44.80	
WOODHOUSE FORD SOUTH INC	638.55	

Department : 24 - DRUG FORFEITURE

HENRY MOTORS SERVICE CENTER	200.00	
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Department : 30 - SEWER

BLACK HILLS ENERGY	146.15	
BOMGAARS SUPPLY	223.90	
C SCOTT SERVICES	88.25	
COMPUTERS TO GO	437.50	
DPC INDUSTRIES INC	780.00	
HEARTLAND TECHNOLOGY SOLUTIONS	208.25	
HIGGINS HARDWARE	56.00	
LINDER TIRE & AUTO INC	102.72	
LOVELAND LAWNS INC	402.60	
MUNICIPAL SERVICE & SUPPLY	259.15	
OLMSTED & PERRY ENGINEERING	414.00	
PAYFLEX	6.25	
RASMUSSEN MECHANICAL SERVICE CORP		589.58
UNITED SEED INC	90.00	
USA BLUEBOOK	182.75	

CLAIMS 189,808.40

CLAIMS INCLUDING PAYROLL 290,324.32

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Dugan introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1864: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 2, ARTICLE 6, SECTIONS 2-609 AND 2-610 RESPECTIVELY RELATED TO THE IMPLEMENTATION OF A CURFEW FOR THE USE OF THE PLATTSMOUTH CEMETERY AND FOR THE PROVISION OF SPEED CONTROL WITHIN THE PLATTSMOUTH CEMETERY, AND FOR THE CREATION OF A PENALTY FOR THE VIOLATION OF THE SAME; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Dugan, seconded by Porter to approve third (3rd) and final reading of ORDINANCE NO. 1864: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ENACT CHAPTER 2, ARTICLE 6, SECTIONS 2-609 AND 2-610 RESPECTIVELY RELATED TO THE IMPLEMENTATION OF A CURFEW FOR THE USE OF THE PLATTSMOUTH CEMETERY AND FOR THE PROVISION OF SPEED CONTROL WITHIN THE PLATTSMOUTH CEMETERY, AND FOR THE CREATION OF A PENALTY FOR THE VIOLATION OF THE SAME; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE by title only. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer and Porter. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1864 in to the record by title only.

ITEM 8 B

Council Member Riese introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1869: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM AGRICULTURAL DISTRICT (AG) TO GENERAL COMMERCIAL DISTRICT (GC) SUBJECT TO MIXED USE OVERLAY DISTRICT 1 (MU-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 Dugan to approve second (2nd) reading of ORDINANCE NO. 1869: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM AGRICULTURAL DISTRICT (AG) TO GENERAL COMMERCIAL DISTRICT (GC) SUBJECT TO MIXED USE OVERLAY DISTRICT 1 (MU-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 by title only. ROLL CALL: Yes-Wiemer, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1869 in to the record by title only.

ITEM 8 C

Pursuant to publication, Mayor Bowman opened a public hearing at 7:05 p.m. to hear and receive public comments regarding amending the previously adopted budget for the period October 1, 2012 through September 30, 2013. No one spoke. Mayor Bowman closed the public hearing at 7:05 p.m.

ITEM 8 D

Council Member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PREVIOUSLY ADOPTED BUDGET FOR FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.

Motion by Riese, seconded by Wiemer to adopt RESOLUTION NO. 13-045:

RESOLUTION NO. 13-045

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PREVIOUSLY ADOPTED BUDGET FOR FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning amending the 2012-2013 budget.

NOW, THEREFORE, the City Council of the City of Plattsmouth, by a majority vote, resolves that: The 2012-2013 budget be approved as amended to Increase the Budgeted Disbursements to \$12,207,694.00, to Increase the Necessary Cash Reserve to \$602,535.00 and to Increase the Total Resources Available to \$12,810,229.00.

PASSED AND APPROVED this 16th day of September 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-045 in to the record. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Porter and Brookhouser. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 E

Council member Brookhouser introduced a resolution numbered and titled: RESOLUTION NO. 13-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

Motion by Brookhouser, seconded by Wiemer to adopt RESOLUTION NO. 13-035:

RESOLUTION NO. 13-035

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the budget for the fiscal year of October 1, 2013 through September 30, 2014.

NOW, THEREFORE, BE IT RESOLVED that the budget is adopted for fiscal year of October 1, 2013 through September 30, 2014 with a dollar requirement totaling \$1,323,890.00.

BE IT FURTHER RESOLVED that the budget limit for 2013-2014 is set using the base limitation percentage increase of 2.5% and also using the additional 1% increase approved by this resolution.

BE IT FURTHER RESOLVED that the City Clerk is directed on behalf of the City of Plattsmouth to certify the budget and dollar requirements to the County Board and County Clerk of Cass County, Nebraska, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts, on or before September 20, 2013.

PASSED AND APPROVED this ____ day of September 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-035 in to the record. ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 F

Council member Wiemer introduced a resolution numbered and titled: RESOLUTION NO. 13-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO SET THE TAX REQUEST FOR THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014.

Motion by Wiemer, seconded by Riese to adopt RESOLUTION NO. 13-036:

RESOLUTION NO. 13-036

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO SET THE TAX REQUEST FOR THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS *Neb. Rev. Stat. § 77-1601.02* provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City Council of the City of Plattsmouth passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the final tax request for the fiscal year October 1, 2013 through September 30, 2014; and

WHEREAS it is in the best interests of the City of Plattsmouth that the amount of the property tax request for the current fiscal year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED that the following tax levy is adopted for the fiscal year October 1, 2013 through September 30, 2014 with a dollar requirement totaling \$1,323,890 based on a combined tax rate of \$.486165 per \$100.00 of taxable valuation as follows: (1) a rate of \$.044814 per \$100.00 of valuation for the bond levy in the total amount of \$132,928 and (2) a rate of \$.437718 per \$100.00 of valuation for general operating expenses in the total amount of \$1,191,962 (consisting of \$.320759 per \$100.00 of valuation for general operating expenses in the total amount of \$873,469 and \$.116958 per \$100.00 of valuation for other debt service in the total amount of \$318,493).

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of Plattsmouth adopt a property tax request different than the amount of the tax request for the prior year.

BE IT FURTHER RESOLVED that the City Clerk is directed on behalf of the City of Plattsmouth to certify the tax request and dollar requirements to the County Board and County Clerk of Cass County, Nebraska, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts, on or before September 20, 2013.

PASSED AND APPROVED this ____ day of September 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-036 in to the record. ROLL CALL: Yes-Dugan, Wiemer, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 G

Council member Brookhouser introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1865: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 ; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE

Motion by Brookhouser, seconded by Porter to suspend the readings on 3 separate days and to adopt ORDINANCE NO. 1865 on 3rd and final reading by title only.

ORDINANCE NO. 1865: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 ; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE

ROLL CALL: Yes-Wiemer, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1865 in to the record by title only.

ITEM 8 H

Council member Dugan introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1866: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH FEES FOR CITY SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Dugan, seconded by Riese to suspend the readings on 3 separate days and to adopt ORDINANCE NO. 1866 on 3rd and final reading by title only.

ORDINANCE NO. 1866: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH FEES FOR CITY SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Following discussion, ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer and Porter. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1866 in to the record by title only.

ITEM 8 I

Council member Riese introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1867: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2013; TO REPEAL ORDINANCE NO. 1853 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Riese, seconded by Porter to suspend the readings on 3 separate days and to adopt ORDINANCE NO. 1867 on 3rd and final reading by title only.

ORDINANCE NO. 1867: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2013; TO REPEAL ORDINANCE NO. 1853 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Porter and Brookhouser. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1867 in to the record by title only.

ITEM 8 J

Council member Dugan introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1868: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR UNION LAW ENFORCEMENT PERSONNEL AND TO APPROVE THE AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND PLATTSMOUTH POLICE OFFICERS' ASSOCIATION, FRATERNAL ORDER OF POLICE, LODGE #34; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Dugan, seconded by Porter to suspend the readings on 3 separate days and to adopt

ORDINANCE NO. 1868 on 3rd and final reading by title only.

ORDINANCE NO. 1868: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR UNION LAW ENFORCEMENT PERSONNEL AND TO APPROVE THE AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND PLATTSMOUTH POLICE OFFICERS' ASSOCIATION, FRATERNAL ORDER OF POLICE, LODGE #34; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

ROLL CALL: Yes-Riese, Dugan, Wiemer, Porter, Brookhouser and Tilson. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1868 in to the record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Sheryl Parshall, Executive Director of the Plattsmouth Housing Authority presented the 2013 Annual Report for the Plattsmouth Housing Authority

ITEM 9 B

Motion by Riese, seconded by Wiemer to approve a Street Closing or Event Permit Application submitted by One Life Church-Jon Haizlip to have an event (One Life Birthday Block Party on Saturday, October 19, 2013) which would require the closing of city streets as stated on the application contingent on receipt of a Certificate of Liability Insurance naming the City of Plattsmouth as additionally insured in the amount of \$1,000,000.00. After discussion, ROLL CALL: Yes-Dugan, Wiemer, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council member Tilson introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-046: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE TRANSFER OF PICKLE CARD FUNDS HELD BY THE CITY FOR THE BENEFIT OF PLATTSMOUTH VOLUNTEER FIRE DEPARTMENT TO THE PLATTSMOUTH VOLUNTEER FIREFIGHTERS ASSOCIATION TRUST FUND PURSUANT TO AND AS AUTHORIZED BY *NEB. REV. STAT.* § 9-326.

Motion by Tilson, seconded by Riese to adopt RESOLUTION NO. 13-046:

RESOLUTION NO. 13-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE TRANSFER OF PICKLE CARD FUNDS HELD BY THE CITY FOR

THE BENEFIT OF PLATTSMOUTH VOLUNTEER FIRE DEPARTMENT TO THE PLATTSMOUTH VOLUNTEER FIREFIGHTERS ASSOCIATION TRUST FUND PURSUANT TO AND AS AUTHORIZED BY *NEB. REV. STAT.* § 9-326.

WHEREAS, *Neb. Rev. Stat.* § 9-326 authorizes any nonprofit organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code to have a license to conduct a lottery by the sale of pickle cards.

WHEREAS, the Plattsmouth Volunteer Firefighters Association has obtained a license to conduct a lottery by the sale of pickle cards pursuant to the Nebraska Pickle Card Lottery Act.

WHEREAS, the proceeds from the sale of pickle cards by the Plattsmouth Volunteer Firefighters Association will not be considered public funds or funds of the City for any purpose, including the Nebraska Budget Act, nor shall the City incur any liability, nor have any responsibility for, any pickle card operations conducted by the Association.

WHEREAS, all money raised by the Plattsmouth Volunteer Firefighters Association pursuant to the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be subject to such acts with respect to the deposit and expenditure of such money.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska that the City recognizes the Plattsmouth Volunteer Firefighters Association (Association) for the purpose of conducting a licensed pickle card lottery operation and to hold funds raised from such operation.

BE IT FURTHER RESOLVED that the Fire Chief, appointed by the Mayor and confirmed by the City Council, shall have all powers and authority as provided in Chapter 8, Article 1, of the City of Plattsmouth, Nebraska Revised Municipal Ordinances 2011.

BE IT FURTHER RESOLVED THAT the City Treasurer shall transfer all funds from the following accounts held by the City for the benefit of the Plattsmouth Volunteer Fire Department to the Association at Plattsmouth State Bank subject to being expended in compliance with the Nebraska Pickle Card Lottery Act:

3762864670	FIRE PICKLE ACCT
3762864620	FIRE PICKLE SAVINGS

BE IT FURTHER RESOLVED that the Association shall be subject to audit by the City of Plattsmouth for purposes of ensuring compliance with the Nebraska Pickle Card Lottery Act, *Neb. Rev. Stat.* §§9-301 *et seq.*

BE IT FURTHER RESOLVED that the Association shall at all times ensure that it remains a licensed organization pursuant to *Neb. Rev. Stat.* §9-342.

BE IT FURTHER RESOLVED that the Association shall keep on file with the City Clerk a current copy of the Association's Articles of Incorporation, Internal Revenue Service "Letter of Determination," and by-laws so that City may ensure compliance with all federal, state and local laws, ordinances and regulations.

BE IT FURTHER RESOLVED that the Association shall advise City of its intended purchases so that City may decide to accept or reject the same, and if accepted upon purchase of such equipment Association shall provide the same to City which shall then place the same in City's inventory of equipment to be insured.

BE IT FURTHER RESOLVED that the determination of City to either accept or reject any proposed purchase shall be decided as follows: a) by the City Administrator for purchases up to \$20,000, and b) by the City Council for purchases in excess of \$20,000.

PASSED AND APPROVED this 16TH day of September 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-046 in to the record. Council Member Riese asked for a history of the Pickle Fund with regard to the State Statutes. Portis outlined the history and the statutes. It was stated that with the adoption of RESOLUTION NO. 13-046 the City Treasurer would issue a cashiers check to the Plattsmouth Volunteer Fire Fighters Association and then the City Treasurer would close the accounts listed in the above referenced resolution. It was also iterated that the City is not requiring that it be included in the approval of the purchase of an item, just that it be advised of the purchase as if it has to be added to the City insurance policy then it would become the City's liability. ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Brookhouser, seconded by Tilson to approve the following personnel as new volunteer members of the Plattsmouth Emergency Medical Services (EMS) Department: Ricki Brison; Jessica McKnight; Lisa Radke; Nicholas Golden; Douglas Slattery; and Alyssa Maki. ROLL CALL: Yes-Wiemer, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 9 E

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

ITEM 12

7:45 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