

PLATTSMOUTH CITY COUNCIL

September 8, 2015

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 8, 2015 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Joe 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 Stephen Q. Preston.

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

Charles Jones, Executive Director of the Plattsmouth Main Street Association reviewed the upcoming events at the Plattsmouth Entertainment Plaza. Mr. Jones introduced Cindy Cruse, the Executive Director of the Plattsmouth Chamber of Commerce.

ITEM 6-MAYORAL PROCLAMATIONS

Mayor Lambert has not done any proclamations since the last meeting.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of the August 17, 2015 City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Plattsmouth Chamber of Commerce for a Fund Raiser/Beer Garden being held on Plattsmouth Main Street, Richey Street to 7<sup>th</sup> Street with the adjoining side streets as indicated on the diagram, Plattsmouth on October 2, 2015 (alternate date of 10/09/2015) from 1:00 p.m. to 11:00 p.m. as part of the Plattsmouth Chamber of Commerce annual Cruizin Main
- C Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises, d/b/a DC's Waterhole for a Fund Raiser/Beer Garden

being held on Plattsmouth Main Street, Richey Street to 7<sup>th</sup> Street with the adjoining side streets as indicated on the diagram, Plattsmouth on October 2, 2015 (alternate date of 10/09/2015) from 2:00 p.m. to 11:00 p.m.

- D Consider recommendation of approval of a Special Designated License filed by Eric Burns Inc. d/b/a Main Street Bar & Grill for a Beer Garden being held on Plattsmouth Main Street, Richey Street to 7<sup>th</sup> Street with the adjoining side streets as indicated on the diagram, Plattsmouth on October 2, 2015 (alternate date of 10/09/2015) from 2:00 p.m. to 11:00 p.m.
- E Consider recommendation of approval of a Special Designated License filed by Grass is Always Greener d/b/a Cigar Factory for a Beer Garden being held on Plattsmouth Main Street, Richey Street to 7<sup>th</sup> Street with the adjoining side streets as indicated on the diagram, Plattsmouth on October 2, 2015 (alternate date of 10/09/2015) from 2:00 p.m. to 11:00 p.m.
- F Consider approval of claims

Claims Register Report as of 9/8/2015

Vendor Name Amount

Pay Date: 9/4/15

Com Ctr 8430.2

EMS 8927.86

General 19445.35

Library 7296.32

Park and Cemetery 3974.8

Police 34119.97

Senior 2083.51

Street 10888.36

Water and Sewer 12846.59

108012.96

Pay Date: 8/21/15

Com Ctr 12350.98

EMS 8275.86

General 13384.59

Library 7057.62

Park and Cemetery 4462.19

Police 32310.94

Senior 2135.96

Street 10742.85

Water and Sewer 12671.64

103392.63

VARIOUS DEPARTMENTS:

AMERICAN FAMILY LIFE 639.26  
AMERITAS LIFE INSURANCE CORP 155.02  
AMERITAS LIFE INSURANCE CORP (pension) 26577.22  
BLUE CROSS BLUE SHIELD 52290.98  
CENTRAL UNITED LIFE INSURANCE 265.44  
COLLECTION SERVICES CENTER 615.78  
DELTA DENTAL PLAN 2420.5  
FRATERNAL ORDER OF POLICE 330  
INTERNAL REVENUE SERVICE 51050.97  
MUTUAL OF OMAHA 714.82  
NEBRASKA DEPARTMENT OF REVENUE (INCOME TAX) 6746.42  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 12210.75  
PLATTSMOUTH COMMUNITY CENTER 2740.84  
PLATTSMOUTH STATE BANK 943.84

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 20.79  
BOMGAARS SUPPLY 14.99  
DUGAN BUSINESS FORMS 407.57  
FIRST BANKCARD 1435  
GLORIA WOLF 50  
JENNIFER ROBY 288.2  
KATHRYN SHARP 125  
KONICA MINOLTA BUSINESS SOLUTIONS 285.26  
LEAGUE OF NEB MUNICIPALITIES 469  
OLMSTED & PERRY ENGINEERING 350.69  
OMAHA PAPER COMPANY INC 876.5  
PAYLESS OFFICE PRODUCTS 20.19  
RICHARD MCKINLEY 304.2  
SHELL FLEET PLUS 85.78  
SOUTHEAST NE DEVELOPMENT DISTRICT 4500  
THE PITNEY BOWES BANK INC 2015  
WASTE CONNECTIONS OF NEBRASKA INC 50.69  
WELCH LAW FIRM LLC 5000

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 5  
NEBRASKA DEPT OF AGRICULTURE 150  
NEBRASKA HUMANE SOCIETY 50  
PETTY CASH POLICE 10  
PLATTSMOUTH ANIMAL HOSPITAL PC 45  
SHELL FLEET PLUS 170.96  
THE JP COOKE COMPANY 92.27

Department : 03 - EMS

ARROW INTERNATIONAL 1112.11

CASSANDRA B NULL 875.46  
FORT DEARBORN LIFE INSURANCE CO 75.68  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 11.18  
LIFE-ASSIST INC 1279.04  
MATHESON TRI-GAS INC 169.45  
METRO BILLING SERVICES 880  
MICHAEL WOOD 63.4  
MULLENAX AUTO SUPPLY 9.99  
PREMIER HEALTH CARE SERVICES INC 2500  
SHELL FLEET PLUS 296.76  
WASTE CONNECTIONS OF NEBRASKA INC 15.91

Department : 04 - POLICE

ARROWHEAD SCIENTIFIC INC 94.52  
BARONI ENTERPRISES 11.48  
CASS COUNTY SHERIFF 3509  
FIRE GUARD INC 445.1  
FIRST BANKCARD 224.98  
FLATWATER APPAREL INC 510  
JACKS UNIFORMS & EQUIPMENT 3926  
KONICA MINOLTA BUSINESS SOLUTIONS 100.89  
OMAHA PAPER COMPANY INC 292.5  
PAYLESS OFFICE PRODUCTS 248.47  
PETTY CASH POLICE 5.33  
SHELL FLEET PLUS 1778.79  
WARGA BROADCASTING LLC 300

Department : 05 - STREET

ASPHALT & CONCRETE MATERIALS FLINN PAVING INC 822.51  
BLACK HILLS ENERGY 51.47  
BOMGAARS SUPPLY 186.06  
EGAN SUPPLY CO 78.84  
FIRE GUARD INC 1716.94  
JOHN DEERE CREDIT 93.37  
LONNIE ILES 100  
LYMAN RICHEY CORPORATION 488.72  
MICHAEL TODD & COMPANY INC 239.7  
MID COUNTRY MACHINERY INC 165.25  
OLMSTED & PERRY ENGINEERING 7986.15  
PAYLESS OFFICE PRODUCTS 30.49  
ROAD MACHINERY & SUPPLIES CO 1017.08  
SHELL FLEET PLUS 725.59  
TITAN MACHINERY 104

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 824.02  
BIBLIOTHECA INC 250  
BLACK HILLS ENERGY 21.48

CENTER POINT LARGE PRINT 216.9  
CHARTER BUSINESS 30  
FIRST BANKCARD 731.51  
GALE/CENGAGE LEARNING 100.98  
INNOVATIVE INTERFACES INC 10868.83  
KONICA MINOLTA BUSINESS SOLUTIONS 135.82  
MT LIBRARY SERVICES 49.5  
OMAHA PAPER COMPANY INC 409.1  
RESEARCH TECHNOLOGY INTERNATIONAL 88.45  
WASTE CONNECTIONS OF NEBRASKA INC 15.9  
WINDSTREAM 9.38

Department : 07 - PARK & REC

ALLIED OIL & TIRE CO 622.7  
BLACK HILLS ENERGY 20.79  
BOMGAARS SUPPLY 18.98  
CHARTER BUSINESS 35.73  
ODEYS INC 218  
RGS REPAIR INC 941.53  
SHELL FLEET PLUS 319.35  
TILSON AUTOMOTIVE 152.65  
WILES BROS INC 144.38

Department : 08 - CEMETERY

NEBRASKA PUBLIC POWER DISTRICT 29.15  
PAYLESS OFFICE PRODUCTS 25.47  
SHELL FLEET PLUS 136.87  
WINDSTREAM 102.78

Department : 10 - FIRE

ALAMAR UNIFORMS 106.73  
AMERICAN TEST CENTER 1370  
DEK CORPORATION 135.85  
FORT DEARBORN LIFE INSURANCE CO 158.24  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 11.2  
GRANNETTE INC 1200  
OFE OIL INC 1333  
PAYLESS OFFICE PRODUCTS 30.99  
WASTE CONNECTIONS OF NEBRASKA INC 15.9

Department : 11 - SENIOR CITIZEN CTR

BARONI ENTERPRISES 294.45  
BLACK HILLS ENERGY 45.01  
FIRST BANKCARD 72.63  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 76.76  
OFE OIL INC 72  
WILES BROS INC 52.47

Department : 12 - DEBT SERVICE  
PLATTSMOUTH STATE BANK 1520

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 1341.83

Department : 17 - COMMUNITY CENTER  
ALLIED OIL & TIRE CO 133.75  
AQUA CHEM INC 880.16  
BARONI ENTERPRISES 894.4  
BLACK HILLS ENERGY 405.04  
BODY BASICS INC 209.7  
BOMGAARS SUPPLY 146.92  
BSN SPORTS INC 176.25  
ECHO GROUP INC 118.8  
EGAN SUPPLY CO 380.17  
FIRST BANKCARD 243.56  
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 1107.75  
HYVEE 4.67  
KONICA MINOLTA BUSINESS SOLUTIONS 117.75  
KS STATEBANK 1048  
PAYLESS OFFICE PRODUCTS 93.43  
PERMITE CO OF NEB AND IA 125  
STEPHEN C WARGA 27  
WASTE CONNECTIONS OF NEBRASKA INC 110.29

Department : 18 - AQUATIC  
ASSOCIATED SUPPLY CO INC 169.78  
BLACK HILLS ENERGY 543.32  
CHARTER BUSINESS 37.05  
FIRST BANKCARD 132.45  
THE THOMPSON COMPANY 302.36  
WASTE CONNECTIONS OF NEBRASKA INC 115

Department : 20 - WATER  
AMERICAN UNDERGROUND SUPPLY LLC 625.1  
BLACK HILLS ENERGY 22.91  
BOMGAARS SUPPLY 62.61  
DMG INC 694.1  
DPC INDUSTRIES INC 1771.68  
DXP ENTERPRISES INC 170  
FASTENAL COMPANY 14.43  
HACH COMPANY 152.93  
HD SUPPLY WATERWORKS LTD 1459  
JEFF HENRY CHEVROLET 36.95  
KNIGHT TRUCKING LLC 627.69  
LINDER TIRE & AUTO INC 20  
LYMAN RICHEY CORPORATION 674.12

MATHESON TRI-GAS INC 1491.55  
MWE INVESTMENTS INC 760  
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 382.75  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 664  
NEBRASKA PUBLIC POWER DISTRICT 7763.18  
NEBRASKA SAFETY COUNCIL INC 140  
NEBRASKA TRENCHER SALES INC 198.04  
OLMSTED & PERRY ENGINEERING 4950  
PAYLESS OFFICE PRODUCTS 3.79  
PETTY CASH WATER DEPARTMENT 493.61  
SHELL FLEET PLUS 368.52  
TRANSWOOD LOGISTICS INC 841.56  
TYLER TECHNOLOGIES 90

Department : 24 - DRUG FORFEITURE  
JEFF HENRY CHEVROLET 680

Department : 30 - SEWER  
BLACK HILLS ENERGY 169.35  
BOMGAARS SUPPLY 219.03  
HD SUPPLY FACILITIES MAINTENANCE LTD 602.76  
LYMAN RICHEY CORPORATION 345.58  
MIDWEST LABORATORIES INC 1138  
NEBRASKA PUBLIC POWER DISTRICT 3527.75  
NEBRASKA SAFETY COUNCIL INC 140  
NEBRASKA TRENCHER SALES INC 198.03  
PHONETICS INC 420  
PRUITT OUTDOOR POWER 78.69  
RGS REPAIR INC 802.67  
SHELL FLEET PLUS 420.75  
THE FRAZIER COMPANY 2234  
TREKK DESIGN GROUP LLC 3142  
TYLER TECHNOLOGIES 90  
WASTE CONNECTIONS OF NEBRASKA INC 46.56  
WILES BROS INC 48.13  
WINDSTREAM 50.66

Department : 41 - KENO RESERVE  
SSRJ INC DBA PLATTSMOUTH KENO 161.16

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 3

(Final) submitted by Oldcastle Materials Midwest Co. for the CDBG Water and Sewer Street Improvements – Project Contract No. 1, in the amount of (+) \$6,220.98 for a total project cost of \$340,599.09 and recommended approval of Change Order No. 3 (Final). Motion by Brookhouser, seconded by Dugan to approve Change Order No. 3 (Final) submitted by Oldcastle Materials Midwest Co. for the CDBG Water and Sewer Street Improvements – Project Contract No. 1, in the amount of (+) \$6,220.98 for a total project cost of \$340,599.09 and authorize the Mayor to execute Change Order No. 3 (Final). ROLL CALL: Yes-Kerns, Dugan, Derby, Tilson, Porter, Brookhouser, Wiemer and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 4 (Final) submitted by Oldcastle Materials Midwest Co. in the amount of \$88,366.34 for the CDBG Water and Sewer Street Improvements -Project Contract No. 2 and recommended approval. Motion by Riese, seconded by Wiemer to approve Contractor's Application for Payment No. 4 (Final) submitted by Oldcastle Materials Midwest Co. in the amount of \$88,366.34 for the CDBG Water and Sewer Street Improvements -Project Contract No. 2; and authorize the Mayor to execute Pay Application No. 4 (Final). ROLL CALL: Yes-Derby, Brookhouser, Wiemer, Riese, Kerns, Porter, Dugan and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 C

Council Member Kerns stated that he would be abstaining from any discussion or action on Items 8 C and 8 D due to a conflict of interest.

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 (Final) submitted by Kerns Excavating Co. Inc. for the CDBG Water and Sewer Street Improvements – Project Contract No. 1, in the amount of (+) \$ 1737.45 for a total project cost of \$184,661.90. Motion by Brookhouser, seconded by Wiemer to approve Change Order No. 2 (Final) submitted by Kerns Excavating Co. Inc. for the CDBG Water and Sewer Street Improvements – Project Contract No. 1, in the amount of (+) \$ 1737.45 for a total project cost of \$184,661.90 and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Tilson, Porter, Brookhouser, Derby, Dugan, Riese and Wiemer. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

#### ITEM 8 D

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 5 (Final) submitted by Kerns Excavating Co. Inc. in the amount of \$46,794.72 for the CDBG Water and Sewer Street Improvements – Project Contract No. 1. Motion by Riese, seconded by Porter to approve Contractor's Application for Payment No. 5 (Final) submitted by Kerns Excavating Co. Inc. in the amount of \$46,794.72 for the CDBG Water and Sewer Street Improvements – Project Contract No. 1, and authorize the Mayor to execute Pay



Application No. 5 (Final). ROLL CALL: Yes-Riese, Wiemer, Tilson, Porter, Brookhouser, Dugan and Derby. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

#### ITEM 8 E

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 1 submitted by Oldcastle Materials Midwest Co. in the amount of \$45,598.04 for the Livingston Road Pavement Improvements-Phase I Project. Motion by Wiemer, seconded by Dugan to approve Contractor's Application for Payment No. 1 submitted by Oldcastle Materials Midwest Co. in the amount of \$45,598.04 for the Livingston Road Pavement Improvements-Phase I Project; and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Dugan, Brookhouser, Porter, Riese, Derby, Wiemer, Kerns and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 F

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed the Livingston Road Improvements-Phase 3 Project and asked for council authorization for publication of notice and solicitation for sealed bids. Following discussion, Motion by Wiemer, seconded by Brookhouser to authorize publication of notice and solicitation for sealed bids for the construction of the Livingston Road Improvements-Phase 3 Project. ROLL CALL: Yes-Porter, Wiemer, Tilson, Kerns, Dugan, Riese, Derby and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 8 G

Pursuant to publication, Mayor Lambert opened a public hearing at 7:15 p.m. to hear and receive public comments regarding proposed City of Plattsmouth Fiscal Year October 1, 2015 through September 30, 2016 budget. No one spoke. Mayor Lambert closed the public hearing at 7:16 p.m.

#### ITEM 8 H

Pursuant to publication, Mayor Lambert opened a public hearing at 7:16 p.m. to hear and receive public comment regarding setting of the final tax request at a different amount for Fiscal Year October 1, 2015 through September 30, 2016 than the prior year tax request. No one spoke. Mayor Lambert closed the public hearing at 7:17 p.m.

Erv Portis, City Administrator gave a brief overview of the City of Plattsmouth October 1, 2015 through September 30, 2016 proposed budget.

#### ITEM 8 I

Council member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 15-023: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER

1, 2015 THROUGH SEPTEMBER 30, 2016 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

Motion by Riese, seconded by Derby to adopt RESOLUTION NO. 15-023 by title only:

RESOLUTION NO. 15-023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016 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, 2015 through September 30, 2016.

NOW, THEREFORE, BE IT RESOLVED that the budget is adopted for fiscal year of October 1, 2015 through September 30, 2016 with a dollar requirement totaling \$1,356,435.00.

BE IT FURTHER RESOLVED that the budget limit for 2015-2016 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, 2015.

PASSED AND APPROVED this 8<sup>th</sup> day of September 2015.

By: /s/ R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Stephen Q. Preston read RESOLUTION NO. 15-023 in to the record by title only. ROLL CALL: Yes-Brookhouser, Riese, Derby, Dugan, Porter, Tilson, Kerns and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 J

Council member Kerns introduced a resolution numbered and titled as follows: RESOLUTION NO. 15-024: 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, 2015 THROUGH SEPTEMBER 30, 2016.

Motion by Kerns, seconded by Porter to adopt RESOLUTION NO. 15-024 by title only:

RESOLUTION NO. 15-024

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, 2015 THROUGH SEPTEMBER 30, 2016.

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, 2015 through September 30, 2016; 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, 2015 through September 30, 2016 with a dollar requirement totaling \$1,356,435.00 based on a combined tax rate of \$.491863 per \$100.00 of taxable valuation as follows: (1) a rate of \$.042694 per \$100.00 of valuation for the bond levy in the total amount of \$117,740.00 and (2) a rate of \$.449169 per \$100.00 of valuation for general operating expenses in the total amount of \$1,238,695.00 (consisting of \$.329191 per \$100.00 of valuation for general operating expenses in the total amount of \$907,825.00 and \$.119978 per \$100.00 of valuation for other debt service in the total amount of \$330,870.00).

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, 2015.

PASSED AND APPROVED this 8<sup>th</sup> day of September 2015.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Stephen Q. Preston read RESOLUTION NO. 15-024 in to the record by title only. ROLL CALL: Yes-Derby, Kerns, Tilson, Wiemer, Brookhouser, Riese, Dugan and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 K

Council member Wiemer introduced an ordinance numbered and titled as follows:  
**ORDINANCE NO. 1899: 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, 2015 THROUGH SEPTEMBER 30, 2016 ; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.**

Motion by Wiemer, seconded by Kerns that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1899 be adopted on first reading by title only. ROLL CALL: Yes-Dugan, Brookhouser, Porter, Riese, Tilson, Kerns, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Riese moved for final passage of the ordinance, which motion was seconded by Porter. ROLL CALL: Yes-Derby, Kerns, Tilson, Wiemer, Dugan, Porter, Brookhouser and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read ORDINANCE NO. 1899 in to the record by title only.

ITEM 8 L

Council member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1900: 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 Riese, seconded by Wiemer that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1900 be adopted on first reading by title only. ROLL CALL: Yes-Brookhouser, Riese, Wiemer, Porter, Tilson, Derby, Dugan and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was

read in to the record by title only and thereafter Kerns moved for final passage of the ordinance, which motion was seconded by Porter. ROLL CALL: Yes-Derby, Wiemer, Dugan, Riese, Tilson, Brookhouser, Kerns and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read ORDINANCE NO. 1900 in to the record by title only.

#### ITEM 8 M

Council member Wiemer introduced an ordinance numbered and titled as follows:  
**ORDINANCE NO. 1901: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2015; TO REPEAL ORDINANCE NO. 1890 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE**

Motion by Wiemer, seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1901 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Porter, Derby, Brookhouser, Dugan, Wiemer, Riese and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Riese moved for final passage of the ordinance, which motion was second by Wiemer. ROLL CALL: Yes-Kerns, Wiemer, Riese, Derby, Porter, Brookhouser, Dugan and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read ORDINANCE NO. 1901 in to the record by title only.

#### ITEM 8 N

Council member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1902: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO APPROVE THE EXTENSION AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND PLATTSMOUTH POLICE OFFICERS' ASSOCIATION, FRATERNAL ORDER OF POLICE, LODGE #34 WHICH ESTABLISHES WAGES, SALARIES AND BENEFITS; TO REPEAL ALL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.**

Motion by Riese, seconded by Porter that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1902 be adopted on first reading by title only. ROLL CALL: Yes-Dugan, Porter, Brookhouser, Wiemer, Tilson, Kerns, Riese and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Brookhouser moved for final passage of the ordinance, which motion was seconded by Riese. ROLL CALL: Yes-Tilson, Wiemer, Kerns, Riese, Dugan, Derby, Porter and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read ORDINANCE NO. 1902 in to the record by title only.

## ITEM 9-NEW BUSINESS

### ITEM 9 A

Motion by Kerns, seconded by Brookhouser to approve a Street Closing or Event Permit Application submitted by Plattsmouth Chamber of Commerce for October 2, 2015 (Rain Date October 9, 2015) for Cruizin Main from 10:00 a.m. to 10:00 p.m. ROLL CALL: Yes-Riese, Wiemer, Kerns, Derby, Brookhouser, Dugan, Porter and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 B

Motion by Riese, seconded by Wiemer to approve an Interlocal Agreement for Emergency Medical Services by and between the City of Plattsmouth and the Village of Cedar Creek and authorize the Mayor to execute the Agreement. ROLL CALL: Yes-Tilson, Brookhouser, Riese, Kerns, Dugan, Porter, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 C

Motion by Brookhouser, seconded by Porter to approve the renewal of an Interlocal Cooperation Agreement by and between Cass County, Nebraska and the City of Plattsmouth to utilize the resources of Cass County Information Services Department, at an annual cost of \$53,920; and authorize the Mayor to execute the Agreement. Following discussion on the fee charged, ROLL CALL: Yes-Dugan, Porter, Derby, Brookhouser, Riese, Kerns and Wiemer. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 D

Motion by Porter, seconded by Tilson to authorize the purchase of a water treatment plant clarifier drive unit from WesTech, Salt Lake City, UT, a sole source supplier, at a purchase price of \$83,745.00, as recommended by the City Engineer and Director of Public Works. Following discussion, ROLL CALL: Yes-Wiemer, Brookhouser, Kerns, Tilson, Derby, Dugan, Porter and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 E

Motion by Kerns, seconded by Riese to approve the appointment of the following proposed new members to the Plattsmouth Volunteer Fire Department: Anthony Krutina and Bryan Clark. ROLL CALL: Yes-Brookhouser, Porter, Tilson, Dugan, Wiemer, Riese, Derby and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

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

ITEM 9 G

Motion by Porter, seconded by Brookhouser to approve a Street Closing/Event Permit Application submitted by Plattsmouth Volunteer Firefighters Association for the Annual Plattsmouth Volunteer Fire Department Spaghetti Feed on Thursday, October 8, 2015. ROLL CALL: Yes-Tilson, Dugan, Derby, Porter, Brookhouser, Riese, Kerns and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Riese, seconded by Porter to give a favorable recommendation to the Nebraska Liquor Control Commission regarding a Manager Application submitted by Casey's General Store #1182 for Tina M. Krings. ROLL CALL: Yes-Kerns, Tilson, Dugan, Derby, Porter, Brookhouser, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 I

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest with regard to Keno Contract negotiations and to receive legal advice.

7:55 p.m. Motion by Tilson, seconded by Brookhouser to convene to Closed Session to protect the public interest with regard to Keno Contract negotiations and to receive legal advice. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest with regard to Keno Contract negotiations and to receive legal advice.

8:23 p.m. Motion by Riese, seconded by Tilson to reconvene in to regular session. ROLL CALL: Yes-Dugan, Derby, Wiemer, Riese, Porter, Tilson, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 J

Council member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 15-025: A RESOLUTION OF THE PLATTSMOUTH CITY COUNCIL APPROVING THE ASSIGNMENT OF THE LOTTERY OPERATOR AGREEMENT AND AMENDMENTS THERETO FROM SSRJ, INC. TO CASS COUNTY KENO, LLC PURSUANT TO THE TERMS OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT PRESENTED BY SSRJ, INC. TO THE CITY OF PLATTSMOUTH.

Motion by Riese, seconded by Wiemer to adopt RESOLUTION NO. 15-025 by title only:  
RESOLUTION NO. 15-025

A RESOLUTION OF THE PLATTSMOUTH CITY COUNCIL APPROVING THE ASSIGNMENT OF THE LOTTERY OPERATOR AGREEMENT AND AMENDMENTS THERETO FROM SSRJ, INC. TO CASS COUNTY KENO, LLC PURSUANT TO THE TERMS OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT PRESENTED BY SSRJ, INC. TO THE CITY OF PLATTSMOUTH.

WHEREAS, the City previously entered into a Lottery Operator Agreement with MSJ, Inc. in 1992 for the operation of a municipal lottery in Plattsmouth, and such agreement was restated in 2002, was assigned with the City's consent to SSRJ, Inc. in 2007, and amended in 2007, 2008, and 2009 ("Contract");

WHEREAS SSRJ, Inc. has filed a request with the City to approve the assignment of the Contract to Cass County Keno, LLC, a Nebraska limited liability company, pursuant to the terms of an Assignment and Assumption Agreement presented by SSRJ, Inc. to the City;

WHEREAS, pursuant to Section 3 of the Contract, any transfer of the Contract is subject to approval of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska: That the transfer of the Contract from SSRJ, Inc. to Cass County Keno, LLC is hereby approved, subject to the terms and conditions of the attached Assignment and Assumption Agreement and further subject to approval by the by the State of Nebraska, Department of Revenue, and the Mayor is hereby authorized to enter into said Agreement on behalf of the City.

PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2015.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Stephen Q. Preston read RESOLUTION NO. 15-025 in to the record by title only. ROLL CALL: Yes-Brookhouser, Riese, Porter, Derby, Dugan, Kerns, Wiemer and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 K

Council member Kerns introduced a resolution numbered and titled as follows: RESOLUTION NO. 15-026: A RESOLUTION OF THE CITY COUNCIL OF PLATTSMOUTH, NEBRASKA



APPROVING AN AMENDMENT AND RESTATEMENT OF THE LOTTERY OPERATOR AGREEMENT.

Motion by Kerns, seconded by Wiemer to adopt RESOLUTION NO. 15-026:

RESOLUTION NO. 15-026

A RESOLUTION OF THE CITY COUNCIL OF PLATTSMOUTH, NEBRASKA APPROVING AN AMENDMENT AND RESTATEMENT OF THE LOTTERY OPERATOR AGREEMENT

WHEREAS, the City previously entered into a Lottery Operator Agreement with MSJ, Inc. in 1992 for the operation of a municipal lottery in Plattsmouth, and such agreement was restated in 2002, was assigned with the City's consent to SSRJ, Inc. in 2007, and was amended in 2007, 2008, and 2009 ("Contract");

WHEREAS the City has approved the assignment of the Contract to Cass County Keno, LLC, a Nebraska limited liability company, pursuant to the terms of an Assignment and Assumption Agreement ("Transfer");

WHEREAS as a condition of the Transfer, the City and Cass County Keno, LLC have agreed to amend and restate the Contract to incorporate the prior amendments to the Contract, to clarify the specifications regarding the operation of the business and keno game, and to make certain additional changes agreed upon by the parties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska: That the attached amendment and restatement of the Contract is hereby approved, and the Mayor is hereby authorized to enter into said amended and restated Contract on behalf of the City.

PASSED AND APPROVED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2015.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Stephen Q. Preston read RESOLUTION NO. 15-026 in to the record by title only. ROLL CALL: Yes-Tilson, Dugan, Derby, Wiemer, Porter, Brookhouser, Riese and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

8:33 p.m. Motion by Porter, seconded by Kerns to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk