

PLATTSMOUTH CITY COUNCIL

May 15, 2017

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 May 15, 2017 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Cheryl Grimshaw, Steve Riese, Joe Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer and City Attorney Larry Welch Jr.

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

There were no Mayoral Proclamations

ITEM 7 CONSENT AGENDA

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

- A Consider approval of the May 1, 2017 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 5/15/17

Dept Name / Vendor Name Amount

Pay Date: 5/12/17 111687.28
Com Ctr 9015.13
EMS 10565.97
General 14613.91
Library 7458.93
Parks and Cemetery 4388.8

Police 35465.37
Senior 2327.02
Street 14003.89
Water and Sewer 13848.26

Various : Vendor Name

AMERITAS 14789.83
CENTRAL UNITED LIFE INSURANCE 265.44
EYE MED VISION CARE 372.64
FRATERNAL ORDER OF POLICE 180
HARTFORD LIFE INSURANCE COMPANY 240.15
INTERNAL REVENUE SERVICE 26750.7
NEBRASKA DEPARTMENT OF REVENUE 3584.66
PLATTSMOUTH COMMUNITY CENTER 2273.8
PLATTSMOUTH STATE BANK 814.67

Department : 01 - GENERAL ADMINISTRATION

CASS COUNTY CLERK 6000
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 12
IRINA A HARRINGTON 75
KONICA MINOLTA BUSINESS SOLUTIONS 229.6
MICROFILM IMAGING SYSTEMS 75
NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS 100
NEBRASKA PUBLIC POWER DISTRICT 250.39
SCHNEIDER AGENCY INC 5
THE COLUMBUS TELEGRAM 779.97
WASTE CONNECTIONS OF NEBRASKA INC 57.11
WINDSTREAM 231.35

Department : 02 - HUMANE/CODE ENFORCEMENT

CASS COUNTY EMERGENCY MANAGEMENT AGENCY 10
NEBRASKA PUBLIC POWER DISTRICT 93.95

Department : 03 - EMS

BOUND TREE MEDICAL LLC 580.92
JEFF HENRY CHEVROLET 596.3
KONICA MINOLTA BUSINESS SOLUTIONS 7.79
MATHESON TRI-GAS INC 410.58
METRO BILLING SERVICES LLP 819
NEBRASKA PUBLIC POWER DISTRICT 319.58
WALKERS INC 13.87
WASTE CONNECTIONS OF NEBRASKA INC 18
WINDSTREAM 174.71

Department : 04 - POLICE

ARROWHEAD SCIENTIFIC INC 99.05
BRIDGESTONE AMERICAS INC 215.26
CASS COUNTY SHERIFF 3509

DAVID WALKER 55.57
JEFF HENRY CHEVROLET 49.95
KONICA MINOLTA BUSINESS SOLUTIONS 78.34
OFFICE DEPOT INC 51.5
THE COLUMBUS TELEGRAM 391
WINDSTREAM 322.75
MULLENAX AUTO SUPPLY 187.47

Department : 05 - STREET

CINTAS CORPORATION #749 265.04
HD SUPPLY CONSTRUCTION & INDUSTRIAL WHITE CAP 64.95
LINDER TIRE & AUTO INC 85.38
MICHAEL TODD & COMPANY INC 93.68
MULLENAX AUTO SUPPLY 142.52
NEBRASKA IOWA SUPPLY CO INC 3019.84
NEBRASKA PUBLIC POWER DISTRICT 7173.98
PLATTSMOUTH STATE BANK 68772.5
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 12.49
THE COLUMBUS TELEGRAM 52
TITAN MACHINERY 1740.93
WASTE CONNECTIONS OF NEBRASKA INC 144.15
WINDSTREAM 92.98

Department : 06 - LIBRARY

BAKER & TAYLOR BOOKS 1220.45
CENTER POINT LARGE PRINT 43.14
DEMCO 84.55
EGAN SUPPLY CO 237.09
KONICA MINOLTA BUSINESS SOLUTIONS 101.48
NEBRASKA PUBLIC POWER DISTRICT 356.22
OCLC ONLINE COMPUTER LIBRARY CENTER INC 118.93
SAMUEL SHAW 250
WASTE CONNECTIONS OF NEBRASKA INC 17.99
WINDSTREAM 120.12

Department : 07 - PARKS

AGRIVISION EQUIPMENT GROUP LLC 335.07
BARONI ENTERPRISES 605.74
ECHO GROUP INC 50.15
FERGUSON ENTERPRISES 1365
LINDER TIRE & AUTO INC 34.26
MULLENAX AUTO SUPPLY 25.41
NEBRASKA PUBLIC POWER DISTRICT 243.72
ODEYS INC 238
THE COLUMBUS TELEGRAM 57.47
VOGEL WEST INC 79.98
WASTE CONNECTIONS OF NEBRASKA INC 134.95

Department : 08 - CEMETERY
BLACK HILLS ENERGY 34.48
MULLENAX AUTO SUPPLY 143.12
WINDSTREAM 109.89

Department : 10 - FIRE
KONICA MINOLTA BUSINESS SOLUTIONS 7.79
NEBRASKA PUBLIC POWER DISTRICT 319.58
WALKERS INC 13.88
WASTE CONNECTIONS OF NEBRASKA INC 17.99
WINDSTREAM 174.71

Department : 11 - SENIOR CITIZEN CTR
CHARTER BUSINESS 139.67
NEBRASKA PUBLIC POWER DISTRICT 620.78
OFE OIL INC 86.7
STEUBES THRIFTWAY 110.71
THE THOMPSON COMPANY 3998.6
WALKERS INC 98.7

Department : 12 - DEBT SERVICE
PLATTSMOUTH STATE BANK 58496.25

Department : 17 - COMMUNITY CENTER
CHARTER BUSINESS 419.02
HYVEE 276.57
KONICA MINOLTA BUSINESS SOLUTIONS 108.65
NATALIE FREDRICKSON 56
NE DEPT OF HEALTH & HUMAN SERVICES PERMITS 40
NEBRASKA PUBLIC POWER DISTRICT 5587.02
OFFICE DEPOT INC 53.29
STEPHANIE MACFARLANE 56
THE THOMPSON COMPANY 286.66
WALKERS INC 57.6
WASTE CONNECTIONS OF NEBRASKA INC 124.78

Department : 18 - AQUATIC
AQUA CHEM INC 1695.85
BARONI ENTERPRISES 16.95
ELIFEGUARD INC 155.87
KRIZ DAVIS CO 182.4
LIFEGUARD STORE INC 196.25
MENARDS 116.61
NEBRASKA PUBLIC POWER DISTRICT 102.58

Department : 20 - WATER
AMERICAN UNDERGROUND SUPPLY LLC 464.9
DPC INDUSTRIES INC 305

MULLENAX AUTO SUPPLY 9.8
NEBRASKA PUBLIC POWER DISTRICT 73.63
ONE CALL CONCEPTS INC 25.88
OREILLY AUTOMOTIVE INC 86.96
PETTY CASH WATER DEPARTMENT 457.1
THE COLUMBUS TELEGRAM 326.53
WATER & SEWER DEPARTMENT 82.23
WINDSTREAM 171.17

Department : 24 - DRUG FORFEITURE
JEFF HENRY CHEVROLET 540

Department : 30 - SEWER
ECHO GROUP INC 35.76
IMPACT MANUFACTURING 720
MIDWEST LABORATORIES INC 847
MULLENAX AUTO SUPPLY 29.37
OLMSTED & PERRY ENGINEERING 11571.99
ONE CALL CONCEPTS INC 25.87
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 12.99
WASTE CONNECTIONS OF NEBRASKA INC 52.68
WINDSTREAM 53.04

Department : 37 - ECONOMIC DEVELOPMENT - RIVER FRONT
PLATTSMOUTH STATE BANK 184115

Department : 40 - PLATTSMOUTH KENO
NEBRASKA DEPARTMENT OF REVENUE CHARITABLE GAMING DIVISION 13947
NEBRASKA PUBLIC POWER DISTRICT 2219.4
SPECIALTY RETAIL SHOPS HOLDING CORPORATION 25.73
TYLER TECHNOLOGIES 90
UNITED SEEDS INC 90
VERIZON WIRELESS 51.8
WELCH LAW FIRM LLC 2000

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council member Riese introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1921: AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN REAL PROPERTY WITHIN THE ZONING JURISDICTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, FROM GENERAL COMMERCIAL DISTRICT (GC) SUBJECT TO PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD), AND URBAN RESIDENTIAL MEDIUM-

DENSITY DISTRICT (R-2) SUBJECT TO PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD), AND URBAN RESIDENTIAL HIGH-DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 2 OVERLAY DISTRICT (PUD-2), AND AGRICULTURAL DISTRICT (AG) SUBJECT TO PLANNED UNIT DEVELOPMENT 2 OVERLAY DISTRICT (PUD-2) TO GENERAL COMMERCIAL DISTRICT (GC) SUBJECT TO PLANNED UNIT DEVELOPMENT 1 OVERLAY DISTRICT (PUD-1) AND FLOOD PLAIN/FLOODWAY OVERLAY DISTRICT (FP/FW); TO AMEND THE ZONING DISTRICT BOUNDARIES AND OFFICIAL ZONING MAP OF THE CITY OF PLATTSMOUTH; TO CONDITION APPROVAL UPON COMPLIANCE WITH THE DEVELOPMENT AGREEMENT; TO EXPAND BASE DISTRICT REGULATIONS FOR THIS OVERLAY DISTRICT TO INCLUDE PROVISIONS OF THE DEVELOPMENT AGREEMENT AND RESTRICTIVE COVENANTS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Derby to approve third and final reading of ORDINANCE NO. 1921 by title only. ROLL CALL: Yes-Porter, Riese, Grimshaw, Kerns, Wiemer, Dugan, Brookhouser and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Administrator read ORDINANCE NO. 1921 in to the record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Council Member Kerns introduced a resolution numbered and titled as follows: RESOLUTION NO. 17-005: **RESOLUTION OF THE CITY OF PLATTSMOUTH TO VACATE THE CASTAWAY ESTATE PLAT, CASTAWAY VILLA PLAT, CASTAWAY COTTAGE PLAT, AND MOREHEAD ISLAND PLAT, SEEK RELEASES FROM THIRD PARTIES PROVIDED INTERESTS BY THOSE OLD PLATS, VACATE THE SANITARY SEWER DISTRICT, AND ASSUME THE OBLIGATION TO MAINTAIN THE CULVERT EASEMENT ALL AS IT RELATES TO THE PROPERTY AND THE DESCRIPTION OF THOSE TERMS AS SET FORTH HEREIN.**

Motion by Kerns, seconded by Porter to adopt RESOLUTION NO. 17-005:

RESOLUTION NO 17-005

RESOLUTION OF THE CITY OF PLATTSMOUTH TO VACATE THE CASTAWAY ESTATE PLAT, CASTAWAY VILLA PLAT, CASTAWAY COTTAGE PLAT, AND MOREHEAD ISLAND PLAT, SEEK RELEASES FROM THIRD PARTIES PROVIDED INTERESTS BY THOSE OLD PLATS, VACATE THE SANITARY SEWER DISTRICT, AND ASSUME THE OBLIGATION TO MAINTAIN THE CULVERT EASEMENT ALL AS IT RELATES TO THE PROPERTY AND THE DESCRIPTION OF THOSE TERMS AS SET FORTH HEREIN.

WHEREAS, the City of Plattsmouth (“City”) desires to sell the property legally described on Exhibit A (the “Property”) to One Schmore, LLC (“Schmore”) in accordance with the terms of the certain Purchase Agreement attached as Exhibit B;

WHEREAS, Schmore has obtained a title commitment (“Commitment”) for a title insurance policy (the “Policy”) from Old Republic National Title Insurance Company (“Old Republic”) which currently contains exceptions from coverage under the proposed Policy listed in Schedule B, Section 11, including, but not limited to, items 10, 14, 16, 18, 19 and 20 governing the following:

1. Exception 10: Terms and Conditions of Plat for Castaway Estates filed June 20, 2008 as Book 63 Misc, Page 325 Cass County, Nebraska (“Castaway Estate Plat”);
2. Exception 14: Terms and conditions of Plat for Castaway Villas filed July 29, 2008 in Book 63 Misc, Page 332 Cass County, Nebraska (“Castaway Villa Plat”);
3. Exception 16: Terms and conditions of Plat for Castaway Cottages filed May 19, 2010 in Book 63 Misc, Page 451 Cass County, Nebraska (“Castaway Cottage Plat”);
4. Exception 18: Terms and conditions of Plat for Morehead Island Riverfront Development filed August 8, 2003 in Book 53 Misc., Page 475 Cass County, Nebraska (“Morehead Island Plat”);
5. Exception 19: Terms and conditions of Easement Agreement filed December 14, 1990 in Book 39 Misc., Page 514 Cass County, Nebraska (the “Culvert Easement”); and
6. Exception 20: Terms and conditions of Easement to City of Plattsmouth for Interceptor Sewage Pipeline filed April 29, 1972 in Book 19 Misc., Page 442 Cass County, Nebraska (the “Sanitary Sewer Easement”);

WHEREAS, as the City has replatted the Property in connection with the sale with the intention of replacing the Castaway Estate Plat, Castaway Villa Plat, Castaway Cottage Plat, and Morehead Island Plat (herein collectively, the “Old Plats”) as it relates to the Property;

WHEREAS, the Culvert Easement purports to grant a drainage easement in favor of a dominant estate therein described relating to an engineered culvert which culvert was then constructed on land lying outside the Property as depicted on Exhibit C attached to this Resolution (herein the “Culvert”);

WHEREAS, the Sanitary Sewer Easement purports to grant the City an Interceptor Sewer Easement on the Property as depicted on Exhibit D attached to this Resolution (the “Sanitary Sewer Easement”);

WHEREAS, Schmore desires the Old Plats, Culvert Easement and Sanitary Sewer Easement to be removed as exceptions to the Policy;

WHEREAS, Old Republic is willing to remove the Old Plats as exceptions to the Policy if the City vacates those Old Plats and obtains releases of easements granted to third parties as depicted on Exhibit D or otherwise listed as dedications on the Old Plats;

WHEREAS, Old Republic is willing to remove the Culvert Easement as an exception to the Policy provided that the City agrees to maintain the Culvert in the manner prescribed in the Culvert Easement in the event Schmore is found to be legally obligated to maintain the Culvert;

WHEREAS, Old Republic is willing to remove the Sanitary Sewer Easement as an exception to the Policy if the City vacates the Sanitary Sewer Easement;

WHEREAS, the City is willing to vacate the Old Plats as it relates to the Property because of its approval of the new plat for the Property provided as a condition of sale;

WHEREAS, the City is willing to accept responsibility to maintain the Culvert so as to have the Easement Agreement removed as an exception to the Policy;

WHEREAS, the City is willing to vacate the Sanitary Sewer Easement since the City opted not to utilize the Sanitary Sewer Easement in constructing the interceptor for the Sanitary Sewer system;

NOW, THEREFORE, the City resolves as follows:

RESOLVED, that the City hereby vacates the Old Plats as it relates to the Property in favor of the new plat for the Property and will seek to obtain releases of easements/interests in the Property provided in those Old Plats as depicted on Exhibit D or otherwise listed as dedications on the Old Plats;

RESOLVED, that the City hereby agrees to assume any legal obligation that Schmore has as title owner to the Property to maintain the Culvert in the manner required by the Culvert Easement.

RESOLVED, that the City hereby vacates the Sanitary Sewer Easement.

ADOPTED this ____ day of _____, 2017.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Administrator Ervin Portis read RESOLUTION NO. 17-005 in to the record by title only. ROLL CALL: Yes-Dugan, Brookhouser, Kerns, Derby, Grimshaw, Porter, Wiemer and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest with regard to the Negotiations of an Interlocal Cooperation Agreement by and between the City of Plattsburgh and the Plattsburgh Rural Fire Protection District for the provision of Fire and Emergency Medical Services. 7:08 p.m. Motion made by Riese, seconded by Wiemer to convene in Closed Session to protect the public interest with regard to the Negotiations of an Interlocal Cooperation Agreement by and between the City of Plattsburgh and the Plattsburgh Rural Fire Protection District for the provision of Fire and Emergency Medical Services. ROLL CALL: Yes-Derby, Wiemer, Dugan, Riese, Grimshaw, Brookhouser, Kerns and Porter. 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 the Negotiations of an Interlocal Cooperation Agreement by and between the City of Plattsburgh and the Plattsburgh Rural Fire Protection District for the provision of Fire and Emergency Medical Services.

7:26 p.m. Motion by Grimshaw, seconded by Porter to reconvene in to regular session. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Grimshaw, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

7:29 p.m. Motion by Porter, seconded by Brookhouser to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk