

PLATTSMOUTH CITY COUNCIL
November 2, 2009

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 November 2, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: Terry Kerns, Mike Bowman, Terry D. Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Also present: City Clerk Sandra J. Meyer and City Attorney Roger Johnson.

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

The Pledge of Allegiance was recited.

Mayor Lambert 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.

CITIZEN'S DELEGATION:

No one spoke at Citizen Delegation

MAYOR PROCLAMATION

The Mayor read the proclamation recognizing the Plattsmouth Chamber of Commerce fundraising to support Memorial Park.

CONSENT AGENDA:

Motion by Tilson, seconded by Jenkins to approve Items A through E as listed on the Consent Agenda:

- A Approval of October 19, 2009 City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for December 11, 2009 for a fund raiser at 502 South 18th Street, Plattsmouth from 12:00 p.m. to 12:00 a.m.
- C Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for January 16, 2010 for a fund raiser at 502 South 18th Street, Plattsmouth from 12:00 p.m. to 12:00 a.m.
- D Consider the request of the Mayor and City Administrator to approve the closing of City Offices on December 24, 2009
- E Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 10/23/09 not Net as before.

General Admin 12,001.50

Humane Dept 810.00

Police Dept 30,717.17

Street Dept 12,143.61

Public Library 6,410.62

Parks 1,935.75

Oakhill Cemetery 1,429.55

Community Center 10,186.37

Senior Center 1,703.56

Pool

Payroll Sewer Dept. 4,319.79

Payroll Water Dept. 7,860.33

TOTAL SALARIES 89,218.25

VARIOUS

AMERICAN FAMILY LIFE ASS 24.10

MUTUAL OF OMAHA 631.05

SHELL 4,089.98

THE UNION CENTRAL LIFE I 155.02

UNITED STATES LIFE INSUR 103.00

GENERAL ADMINISTRATION

DELTA DENTAL PLAN 306.00

FIRST BANKCARD 2.25

KENNEDY STORAGE 50.00

M.T.S. INC 3,594.88

NEXTEL PARTNERS 17.59

OLMSTED & PERRY ENGINEER 458.13

OMAHA WORLD HERALD 80.60

PAYFLEX 30.20

PAYLESS OFFICE PRODUCTS 116.92

PITNEY BOWES INC. 145.00

PLATTSMOUTH STATE BANK 40.00

PROFESSIONAL WASTE WATER 65.00

SCHNEIDER AGENCY 31,351.80

STEUBE'S THRIFTWAY 9.90

WELLS FARGO FINANCIAL LE 177.49

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 35.75

HEARTS UNITED 50.00

NEXTEL PARTNERS 56.53

RESCUE SQUAD

ALLTEL 91.13

POLICE DEPARTMENT

COLEMAN TECHNOLOGIES 588.00
DELTA DENTAL PLAN 691.60
LYNN PEAVEY COMPANY 296.18
OCE IMAGISTICS 190.67
PAYFLEX 38.12
PAYLESS OFFICE PRODUCTS 101.01
SLEUTH 2,187.13
TINCHER FORD-MERCURY INC 1,820.27

STREET DEPARTMENT

ASPHALT & CONCRETE MATER 547.80
BLACK HILLS ENERGY 103.14
BOMGAARS SUPPLY 263.78
DELTA DENTAL PLAN 294.80
FARM PLAN 6.32
HERTZ 148.21
LOGAN CONTRACTORS SUPPLY 599.80
LYMAN RICHEY SAND & GRAV 1,770.50
NEBRASKA PUBLIC POWER DI 73.11
NEXTEL PARTNERS 141.54
PAYFLEX 7.92
PLATTSMOUTH READY MIX IN 333.03

PUBLIC LIBRARY

DELTA DENTAL PLAN 121.90
PAYFLEX 7.92

PARK & RECREATION

BLACK HILLS ENERGY 17.10
BOMGAARS SUPPLY 25.07
FARM PLAN 49.49
JOHN DEERE CREDIT 1,559.55
NEBRASKA PUBLIC POWER DI 83.93

CEMETARY

DELTA DENTAL PLAN 51.00
FARM PLAN 589.70
KEN BETTS ENTERPRISES IN 50.00
NEBRASKA PUBLIC POWER DI 19.66
NEXTEL PARTNERS .42
PAYFLEX 7.92

FIRE DEPARTMENT

ALLTEL 91.14

SENIOR CITIZEN CENTER

CSI	87.50
JOHN'S APPLIANCE	201.00
STEUBE'S THRIFTWAY	151.90
COMMUNITY CENTER	
ADVANCED OFFICE AUTOMATI	63.74
ALAN SCHNORMEIER	415.95
AQUA CHEM INC	1,254.62
BLACK HILLS ENERGY	1,430.66
BOMGAARS SUPPLY	80.95
CASSGRAM	44.00
CHARTER BUSINESS	81.14
CSI	87.50
DELTA DENTAL PLAN	70.90
FITNESS PRO PLUS	220.00
FOUR STAR LAUNDRY	38.34
GRAPEFIX COMMUNICATIONS	75.00
HONEYMAN RENT HILL	129.38
JEN RUDNICK	75.00
KRIZ DAVIS CO	221.00
MICHAEL ANZALONE	240.00
NEXTEL PARTNERS	36.34
PAYLESS OFFICE PRODUCTS	30.96
RONNIE BECKWITH	100.00
ROXANNE DOLECKI	25.00
SHARI BARRIES	140.00
SUE SNYDER	159.75
AQUATIC	
BLACK HILLS ENERGY	17.61
ECONOMIC DEVELOPMENT	
BOMGAARS SUPPLY	12,000.00
OLMSTED & PERRY ENGINEER	1,225.45
DEBT SERVICE	
PLATTSMOUTH STATE BANK	279,350.63
WATER DEPARTMENT	
ASPHALT SOLUTIONS	500.00
BOMGAARS SUPPLY	82.63
CENTRAL TRANSPORTATION S	1,624.15
DELTA DENTAL PLAN	130.60
DUGAN BUSINESS FORMS	513.83
FASTENAL COMPANY	88.69
HAWKINS INC	1,491.52
HD SUPPLY WATERWORKS LTD	943.28
HDR ENGINEERING INC	790.91

IMPACT MANUFACTURING	60.00
KRIZ DAVIS CO	321.07
MENARDS	11.13
MISSISSIPPI LIME COMPANY	3,186.25
MUNICIPAL SUPPLY INC	484.24
NEBRASKA PUBLIC HEALTH E	274.00
NEBRASKA PUBLIC POWER DI	1,195.53
NEXTEL PARTNERS	141.75
OLMSTED & PERRY ENGINEER	1,569.20
PAYFLEX	7.92
SCHNEIDER AGENCY	14,003.80
SECURITY EQUIPMENT INC	324.00
UTILITY EQUIPMENT COMPAN	924.47
SEWER DEPARTMENT	
MUTUAL OF OMAHA	18.96
UNITED STATES LIFE INSUR	30.40
BOMGAARS SUPPLY	91.81
DELTA DENTAL PLAN	153.00
DPC INDUSTRIES INC	45.00
DUGAN BUSINESS FORMS	513.84
HDR ENGINEERING INC	12,349.89
SCHNEIDER AGENCY	6,897.40
UTILITY EQUIPMENT COMPAN	395.76
STREET DEPARTMENT	
OLMSTED & PERRY ENGINEER	3,042.01
15 FEDERAL 1ST TO MAIN	
STREET DEPARTMENT	
OLMSTED & PERRY ENGINEER	2,340.83
Total Claims 407,162.24	
Total Salaries and Claims 496,380.40	

ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Kerns, Bowman and Tilson. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

UNFINISHED BUSINESS

ITEM 8 A

The Trailer Court Compliance and Licensing Report submitted by City Inspector, Kevin Larson was received and discussed. Motion by Tilson, seconded by Bowman to disapprove the trailer courts not in compliance. After further discussion, Tilson withdrew the motion and Bowman withdrew the second. Options and consequences for non-compliance were discussed. Motion by Tilson, seconded by Bowman to lay over the Trailer Court Compliance and Licensing issue to the next meeting. Again, consequences of non-compliance and options for the City were discussed. After discussion, Tilson

withdrew the motion and Bowman withdrew the second. City Attorney Roger Johnson was consulted and after discussion, motion by Wassinger, seconded by Kerns to allow Morning Star Trailer Court, Hill City Mobile Home Park and HiVue Mobile Home Park to secure licenses and monitor the progress on a monthly basis to insure they make substantial progress otherwise the license is subject to revocation and the situation will be reviewed at the first Plattsmouth City Council meeting in December 2009. ROLL CALL: Yes-Derby, Kerns, Bowman, Wassinger, Jenkins and Tesarek. No-Tilson. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Bowman, seconded by Tilson to layover Ordinance No. 1796: AN ORDINANCE AUTHORIZING THE ISSUANCE OF A COMBINED WATER AND SEWER REVENUE BOND, 2009 SERIES, OF THE CITY OF PLATTSMOUTH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION NINETY SIX THOUSAND DOLLARS (\$1,096,000) IN THE FORM OF A PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROVING THE FORM OF SAID BOND (ISSUED AS A SINGLE PROMISSORY NOTE) AND RELATED LOAN AGREEMENT; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE WATERWORKS PLANT AND DISTRIBUTION SYSTEM AND THE SANITARY SEWER PLANT AND SYSTEM OWNED OR TO BE OWNED BY THE CITY FOR THE PAYMENT OF SAID BOND; PROVIDING FOR THE ISSUANCE AND SALE OF SAID BOND; AUTHORIZING THE DELIVERY OF SAID BOND TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; DETERMINING THAT INTEREST ON SAID BOND SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SAID BOND AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM to the next meeting of the Plattsmouth City Council. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

7:38 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:39 p.m. to hear any comments on the imposition of a special assessment on real estate at 1506 Mark Street legally described as PLATTS-LAS LOMAS LOT 34 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Police Chief Brian Paulsen stated that there are two (2) code assessments on this property. The officer dealing with this property was Officer Robert Sorenson. The Cass County Register of Deeds has no liens filed against the property. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit A(11-2-09). The Mayor closed the public hearing at 7:42 p.m.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:43 p.m. to hear any comments on the imposition of a special assessment on real estate at 609 Oakmont Drive legally described as PLATTS-OAKMONT LOT 18 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Police Chief Brian Paulsen stated that the property was foreclosed on August 25, 2009. Officer Ryan Crick originally tagged the property for violations. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit B(11-2-09). The Mayor closed the public hearing at 7:47 p.m.

ITEM 9 C

Pursuant to publication, the Mayor opened the public hearing at 7:48 p.m. to hear any comments on the imposition of a special assessment on real estate at 415 South 5th Street legally described as PLATTS-ORIG TOWN N ½ OF LOT 7 BLK 62 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. No liens or notices are on file at the Register of Deeds with regard this property. There has been activity around the house but the residence is unoccupied. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit C(11-2-09). The Mayor closed the public hearing at 7:58 p.m.

7:59 p.m. RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

ITEM 11 A

Motion by Wassinger, seconded by Tilson to adopt a resolution numbered and titled:

RESOLUTION NO. 09-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING REAL ESTATE FOR IMPROVEMENTS AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE CASS COUNTY TREASURER AND CASS COUNTY CLERK.

WHEREAS, the property owners of the following listed properties failed to clean up said property following notice to do so for maintaining the property in violation of the City’s ordinances:

1506 Mark	\$447.16
609 Oakmont	\$286.08
415 South 5 th Street	\$181.08

WHEREAS, the City completed the cleanup at the cost listed above of which the property owners have failed and refused to pay; and

WHEREAS, a public hearing was held and evidence was received and considered by the Mayor and City Council sitting as a Board of Adjustment and Equalization.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the following improvements were made to the listed properties at the listed locations which specially benefitted the same:

1506 Mark	PLATTS-LAS LOMAS LOT 34
609 Oakmont	PLATTS-OAKMONT LOT 18
415 South 5 th Street	PLATTS-ORIG TOWN N ½ OF LOT 7 BLK 62

BE IT FURTHER RESOLVED that the cost of the clean up is a correct statement of special benefit to the property and that there be and hereby is levied against the properties as listed which shall be due in a single payment not later than December 22, 2010, at which time the assessment shall be delinquent:

1506 Mark	\$447.16
609 Oakmont	\$286.08
415 South 5 th Street	\$181.08

BE IT FURTHER RESOLVED that this special assessment shall become due on or before December 22, 2009, 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, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk shall certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading the same 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 2nd day of November 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-030 in to the record. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Kerns. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 11 B

Motion by Bowman, seconded by Tilson to lay over the request of the Nebraska Department of Roads to approve Supplemental Agreement No 1 between the City of Plattsmouth and State of Nebraska Department of Roads for Project No. URB-6403 (3), Control No. 22314, 15th Street, 1st Avenue to Main Street; and Supplemental Agreement No. 1 between the City of Plattsmouth and State of Nebraska Department of Roads for Project No. URB 6403 (2), Control No. 22312, 15th Street, Avenue A to Avenue C and direct the Mayor to execute the agreements to the next meeting of the Plattsmouth City Council. ROLL CALL: Tesarek, Derby, Kerns Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 11 C

Motion by Wassinger, seconded by Tesarek to approve the renewal of the Cass County Nebraska Economic Development Council Agreement and authorize the Mayor to execute the agreement. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Kerns and Bowman. No-None. Absent-Porter. Abstain-Derby. MOTION CARRIED.

ITEM 12

Mike Bowman, Streets and Alleys Committee Chairman had nothing to report to the Mayor and Council.

ITEM 13

There was no legislative briefing; discussion; and/or action.

ITEM 16

8:10 p.m. Motion by Tesarek, seconded by Jenkins to adjourn. MOTION CARRIED.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk