

PLATTSMOUTH CITY COUNCIL  
December 21, 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 December 21, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry D. Tilson, Ruth Wassinger, Art Tesarek and Doug Derby. Also present: City Administrator Erv Portis, City Treasurer Peggy Wilsey, City Inspector Kevin Larson 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 Raymond Lancaster as a well known, active and respected citizen and proclaiming the 29<sup>th</sup> of December, 2009 as "Raymond Lancaster Day."

CONSENT AGENDA:

Kerns asked to abstain from voting on the consent agenda as there was a claim from Kerns Excavating.

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

- A Approval of December 7, 2009 City Council Meeting Minutes
- B Consider approval of the Mayor's recommendation for reappointments:
  - 1 HISTORIC PRESERVATION BOARD: 3 year term effective January 2010
    - a. Pat Dugan
    - b. Don Gappa
    - c. Jennifer Roby
  - 2 PLANNING COMMISSION: 3 year term effective January 2010
    - a. Marc Nichols
    - b. Rich McKinley
  - 3 PARK BOARD: 3 year term effective January 2010
    - a. Jim Forrest

- b. Wendy Walker
  - 4 CEMETARY BOARD: 3 year term effective January 2010
    - a. Jerry Higgins
    - b. Barb Davenport
- C Consider approval of \$.50 per mile for mileage reimbursement (rate allowed by Section 81-1176-which provides that Nebraska Administrative Services shall set the mileage rate) effective January 1, 2010 \*\*\* (The current rate is \$.505 per mile)
- D Consider recommendation for approval of a Special Designated License filed by Mayden Layne Enterprises Inc. dba Waterhole for January 15, 2010 for a Chili Cookoff at 308 South 18<sup>th</sup> Street, Plattsmouth from 6:00 p.m. to 10:00 p.m.
- E Consider approval of claims

#### CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 12/04/09 not Net as before.

General Admin 12,601.50  
 Humane Dept 810.00  
 Police Dept 37,051.90  
 Street Dept 10,370.89  
 Public Library 6,611.2  
 Parks  
 Oakhill Cemetery 1,381.85  
 Community Center 9,494.30  
 Senior Center 1,577.02  
 Pool  
 Payroll Sewer Dept. 4,104.06  
 Payroll Water Dept. 7,501.48  
 TOTAL SALARIES 91,504.23

#### VARIOUS

CINTAS CORPORATION #749 19.90  
 FIDELITY SECURITY LIFE 502.96  
 PLATTSMOUTH STATE BANK 1,545.84  
 UNITED STATES LIFE INSUR 103.00  
 AMERITAS 8,503.18

#### GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 121.98  
 CHARTER BUSINESS 40.00  
 D & D LASER INC 364.75  
 DES MOINES STAMP MFG. CO 22.97

MICROFILM IMAGING SYSTEM	135.00
NE DOL/ OFFICE SAFETY &	36.00
NEBRASKA PUBLIC POWER DI	48.96
NEBRASKA UNEMPLOYMENT CO	574.64
PAPILLION SANITATION	45.08
PAYFLEX	30.20
PAYLESS OFFICE PRODUCTS	117.50
SCHNEIDER AGENCY	73.00
THE COLUMBUS TELEGRAM	599.91
VERIZON WIRELESS	271.70
WINDSTREAM	320.90
HUMANE/CODE ENFORCEMENT	
HEARTS UNITED	100.00
NEBRASKA HUMANE SOCIETY	70.00
NEBRASKA PUBLIC POWER DI	110.57
PLATTSMOUTH ANIMAL HOSPI	75.00
VERIZON WIRELESS	360.51
RESCUE SQUAD	
D & D LASER INC	99.90
NEBRASKA PUBLIC POWER DI	180.91
POLICE DEPARTMENT	
POLICE DEPARTMENT	
ALAMAR UNIFORMS	78.99
CASS COUNTY SHERIFF	3,509.00
COMPUTERS TO GO	1,064.00
DES MOINES STAMP MFG. CO	22.98
FEDERAL SIGNAL CORPORATI	143.04
LINDER TIRE & AUTO INC	280.00
O'REILLY AUTOMOTIVE INC	61.67
OCE IMAGISTICS	222.82
OMAHA POLICE FEDERAL	83.19
PAYFLEX	38.12
PAYLESS OFFICE PRODUCTS	92.49
PITNEY BOWES PURCHASE PO	50.00
ULTRAMAX	485.00
VERIZON WIRELESS	961.07
WARGA BROADCASTING LLC	300.00
STREET DEPARTMENT	
CINTAS CORPORATION #749	250.71
CONWAY OIL COMPANY	1,543.69
KERNS EXCAVATING COMPANY	5,740.00

LINWELD	11.70
MICHAEL TODD & COMPANY I	1,508.27
NEBRASKA PUBLIC POWER DI	5,346.64
O'REILLY AUTOMOTIVE INC	60.77
PAPILLION SANITATION	109.28
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	9.79
ROSE EQUIPMENT INC	470.02
TERRY LINDSEY	527.29
VERIZON WIRELESS	353.91
WHITE CAP CONSTRUCTION S	10.00
WINDSTREAM	101.35
PUBLIC LIBRARY	
PAYFLEX	7.92
PARK & RECREATION	
FARM PLAN	494.56
FIRST BANKCARD	90.00
LINDER TIRE & AUTO INC	42.00
NEBRASKA PUBLIC POWER DI	122.62
OFFE OIL INC.	5.00
PAPILLION SANITATION	84.24
VERIZON WIRELESS	170.34
CEMETARY	
BLACK HILLS ENERGY	37.39
CONWAY OIL COMPANY	996.63
NEBRASKA PUBLIC POWER DI	40.38
PAMIDA DISCOUNT CENTER	10.56
PAYFLEX	7.92
PIONEER PUBLISHING	22.29
WINDSTREAM	75.46
FIRE DEPARTMENT	
FOUR STAR LAUNDRY	28.37
IDEAL PURE WATER	42.63
MULLENAX AUTO SUPPLY	46.83
NEBRASKA PUBLIC POWER DI	180.91
PLATTSMOUTH RURAL FIRE D	14,618.50
VERIZON WIRELESS	16.14
SENIOR CITIZEN CENTER	
FOUR STAR LAUNDRY	279.77
NEBRASKA PUBLIC POWER DI	462.05
PAYLESS OFFICE PRODUCTS	38.99

SHORT STOP	105.73
STEUBE'S THRIFTWAY	224.19
THE THOMPSON COMPANY	4,687.21
WINDSTREAM	113.02

COMMUNITY CENTER

ADVANCED OFFICE AUTOMATI	60.66
FOUR STAR LAUNDRY	57.51
JEN RUDNICK	50.00
MARK HAEFELE	204.29
MECHANICAL SALES INC	1,069.53
MICHAEL ANZALONE	200.00
MIDWEST MINOR MEDICAL	25.00
MUTH ELECTRIC	413.00
NEBRASKA DEPT OF REVENUE	1,611.69
NEBRASKA PUBLIC POWER DI	4,158.48
PAMIDA DISCOUNT CENTER	16.38
PAPILLION SANITATION	80.56
PLATTSMOUTH STATE BANK	12,559.30
RONNIE BECKWITH	25.00
ROXANNE DOLECKI	50.00
SHARI BARRIES	105.00
SHELLY CUTLER	50.00
VERIZON WIRELESS	124.08
WINDSTREAM	339.05

ECONOMIC DEVELOPMENT

FREMONT NAT'L BANK & TRU	450.00
THE COLUMBUS TELEGRAM	117.26

DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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WATER DEPARTMENT

AMERICAN WATER WORKS ASS	165.00
ECHO GROUP INC	340.74
FERGUSON ENTERPRISES	674.68
GRAINGER	22.64
GREAT PLAINS ONE CALL SE	21.03
HAWKINS INC	848.83
HIGGINS HARDWARE	24.36
MIDWEST FARMERS COOPERAT	7.10
MISSISSIPPI LIME COMPANY	3,152.50
MUNICIPAL AUTOMATION & C	555.00
NEBRASKA PUBLIC POWER DI	17.38

O'REILLY AUTOMOTIVE INC	338.57
OLMSTED & PERRY ENGINEER	1,800.12
PAMIDA DISCOUNT CENTER	79.78
PAYFLEX	7.92
QUALITY FENCE	952.55
SPRAGUE ELECTRIC	1,000.00
THE COLUMBUS TELEGRAM	325.00
TINCHER CHEVROLET/OLDS I	535.60
TONY & JOYCE FOSTER	139.46
VERIZON WIRELESS	284.88
WINDSTREAM	150.39

SEWER DEPARTMENT

UNITED STATES LIFE INSUR	30.40
BLACK HILLS ENERGY	464.08
DPC INDUSTRIES INC	45.00
GREAT PLAINS ONE CALL SE	21.03
MIDWEST LABORATORIES INC	325.40
NE DOL/ OFFICE SAFETY &	36.00
PAPILLION SANITATION	32.41
VERIZON WIRELESS	105.76
WINDSTREAM	66.15

20 CSO PROJECT

WATER DEPARTMENT

HDR ENGINEERING INC	23,535.07
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21 NEW WATER TOWER PROJECT (DWSRF)

SEWER DEPARTMENT

HDR ENGINEERING INC	688.93
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Total Claims 125,643.49

Total Salaries and Claims 217,147.72

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

UNFINISHED BUSINESS

7:05 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:05 p.m. to hear any comments on the imposition of a special assessment on real estate at 2126 Lincoln Avenue legally described as PLATTS-STANDER'S 2<sup>ND</sup> ADD LOT 2 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 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(12/21/09). The Mayor closed the public hearing at 7:07 p.m.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:07 p.m. to hear any comments on the imposition of a special assessment on real estate at 810 4<sup>th</sup> Avenue legally described as PLATTS-ORIG TOWN LOT 10 BLK 58 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 Officer Robert Sorenson 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(12/21-09). The Mayor closed the public hearing at 7:10 p.m.

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

ITEM 11 A

Motion by Bowman, seconded by Tesarek to adopt a resolution numbered and titled:

**RESOLUTION NO. 09-036**

**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:

2126 Lincoln Ave	\$111.05
810 4 <sup>th</sup> Avenue	\$211.08

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:

2126 Lincoln Avenue	PLATTS-STANDER'S 2 <sup>ND</sup> ADD LOT 2
810 4 <sup>TH</sup> Avenue	PLATTS-ORIG TOWN LOT 1 BLK 58

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:

2126 Lincoln Avenue	\$111.05
810 4 <sup>th</sup> Avenue	\$211.08

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 9, 2010, 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 21nd day of December 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-036 in to the record. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger. No-None. Absent-Jenkins. Abstain-None. MOTION CARRIED.

#### ITEM 11 B

Motion by Derby, seconded by Wassinger to approve Task Order No. 16 by and between the City of Plattsmouth and HDR Engineering to perform engineering services on the City of Plattsmouth Main Street Streetscape in an amount not to exceed \$204,720.00 ROLL CALL: Yes-Derby, Porter, Kerns Bowman, Tilson, Wassinger, Tesarek. No-None. Absent-Jenkins. Abstain-None. MOTION CARRIED.

#### ITEM 11 C

Motion by Kerns, seconded by Tesarek to approve and authorize payment for Pay Estimate No. 1 in the amount of \$7,551.00 to Calwell Tanks Inc. for the North Water Tower Project an authorize the mayor to execute the document. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Tesarek, Derby. No-None. Absent-Jenkins. Abstain-None. MOTION CARRIED.

#### ITEM 11 D

Motion by Porter, seconded by Kerns to refer to the Streets and Alleys Committee a request to officially vacate 17<sup>th</sup> Street between Dukes Add Blk 12 and Dukes Add Blk 11 except Railroad Right of Way.



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

#### ITEM 11 E

Motion by Bowman, seconded by Derby to approve a submittal of a grant application requesting \$1,164,000.00 in federal funds from the U.S. Environmental Protection Agency for the Plattsmouth Combined Sewer Overflow (CSO) Separation Project-Phase 1 Debt Service charge of \$4.00 per month per customer. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Tesarek, Derby, Porter, Kerns. No-None. Absent-Jenkins. Abstain-None. MOTION CARRIED.

#### ITEM 11 F

Bowman nominated Wassinger as Plattsmouth City Council President for 2010. Porter nominated Tilson as Plattsmouth City Council President for 2010. Motion by Kerns, seconded by Derby to close nominations. ROLL CALL: Yes-Tilson, Wassinger, Tesarek, Derby, Porter, Kerns, Bowman. No-None. Absent-Jenkins. Abstain-None. MOTION CARRIED.

A secret ballot was held for Plattsmouth City Council President for 2010. Votes were tabulated by City Attorney Johnson and showed five votes for Wassinger and two votes for Tilson. WASSINGER ELECTED PLATTSMOUTH CITY COUNCIL PRESIDENT FOR 2010.

#### ITEM 12

Mike Bowman, Streets and Alleys Committee Chairman, reported on sidewalk conditions and snow removal.

#### ITEM 13

Mayor Lambert stated that the Council had a need to convene in executive session to discuss a legal issue related to a lawsuit: Reinhard and Marvin Gawehn vs. Pipe Products LLC; City of Plattsmouth. Motion by Porter, seconded by Kerns to enter into an executive session at 7:28 p.m. to discuss a legal issue related to a lawsuit: Reinhard and Marvin Gawehn vs. Pipe Products LLC; City of Plattsmouth. ROLL CALL: Yes-Wassinger, Tesarek, Derby, Porter, Kerns, Bowman, Tilson. No-None. Absent-Jenkins. Abstain-None. MOTION CARRIED. Mayor Lambert again stated the need for the Council to convene in executive session to discuss a legal issue related to a lawsuit: Reinhard and Marvin Gawehn vs. Pipe Products LLC; City of Plattsmouth.

Motion by Porter, seconded by Kerns to leave executive session at 7:31 p.m. and return to regular session. A voice vote was unanimous, MOTION CARRIED.

ITEM 16

7:38 p.m. Motion by Tesarek, seconded by Porter to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk