

PLATTSMOUTH CITY COUNCIL
February 1, 2010

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 February 1, 2010 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Mike Bowman, Rod Jenkins, Art Tesarek and Doug Derby. Also present: City Administrator Erv Portis, City Clerk Sandra J. Meyer, City Treasurer Peggy Wilsey 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

There were no proclamations

CONSENT AGENDA:

Motion by Bowman, seconded by Derby to approve the Consent Agenda excluding a Fire Dept. claim to the VFW for \$675.00 and a Rescue claim to the VFW for \$675.00:

- A Consider approval of January 18, 2010 City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Nebraska Corn Grower's Association for February 23, 2010 for an Annual Farmers Banquet at 520 S. 18th Street, Plattsmouth NE from 5:00 p.m. to 12:00 a.m.
- C Consider recommendation for approval of a Special Designated License filed by Church of the Holy Spirit for February 19, February 26, March 5, March 12, March 19 and March 26, 2010 for Fund Raisers at 520 S. 18th Street, Plattsmouth from 4:30 p.m. to 8:30 p.m.
- D Consider approval of the Mayor's recommendation of the appointment of Jeff Kindig as a Planning Commission Alternate for a Term of 3 years which will expire January 2013
- E Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 1/15/10 not Net as before.

General Admin 12,006.12

Humane Dept 810.00

Police Dept 34,961.54

Street Dept 13,661.84

Public Library 6,633.41

Parks

Oakhill Cemetery 1,540.73

Community Center 8,932.36

Senior Center 1,384.11

Pool

Payroll Sewer Dept. 4,167.52

Payroll Water Dept. 8,092.02

TOTAL SALARIES 92,189.65

VARIOUS

AMERICAN FAMILY LIFE ASS	24.10
BLUE CROSS BLUE SHIELD	30,954.61
CENTRAL UNITED LIFE INSU	295.27
CINTAS CORPORATION #749	14.20
FIDELITY SECURITY LIFE	245.52
THE UNION CENTRAL LIFE	155.02

GENERAL ADMINISTRATION

AMERITAS LIFE INSURANCE	848.57
BLUE CROSS BLUE SHIELD	422.30
D & D LASER INC	139.90
DELTA DENTAL PLAN	306.00
FIRST BANKCARD	35.63
GFOA	170.00
KENNEDY STORAGE	50.00
NEBRASKA PUBLIC POWER DI	64.89
PAYFLEX	634.48
PAYLESS OFFICE PRODUCTS	48.13
PITNEY BOWES INC.	145.00
PLATTSMOUTH CHAMBER OF C	120.00
PLATTSMOUTH COMMUNITY SC	2,855.00
WELLS FARGO FINANCIAL LE	177.49
WINDSTREAM	10.06

RESCUE SQUAD

LINDER TIRE & AUTO INC	26.00
LINWELD	1,002.68
NEDRA SCHORE	181.07
VFW POST 2543 AUXILLARY	675.00
WINDSTREAM	103.36

POLICE DEPARTMENT

A.M. SURPLUS MILITARY ST	96.00
DELTA DENTAL PLAN	660.50
DON'S PIONEER UNIFORM	135.80
FEDERAL SIGNAL CORPORATI	143.04
GE CAPITAL	639.00
LINDER TIRE & AUTO INC	740.66
LYNN PEAVEY COMPANY	185.25
MULLENAX AUTO SUPPLY	53.71
PAYFLEX	23.07
PITNEY BOWES PURCHASE PO	71.88
SIGNAL 88 SECURITY	800.00
UNLIMITED VISION LLC	113.39
UNMC PHYSICIANS GROUP 3	223.00
WINDSTREAM	343.65

STREET DEPARTMENT

ALLIED OIL & SUPPLY INC	547.40
ASPHALT & CONCRETE MATER	640.20
AXLES & GEARS INC	200.00
BLACK HILLS ENERGY	942.43
BOMGAARS SUPPLY	134.45
CINTAS CORPORATION #749	232.56
DELTA DENTAL PLAN	294.80
FARM PLAN	4.80
FASTENAL COMPANY	14.90
KERNS EXCAVATING COMPANY	3,660.00
M & M CONSTRUCTION INC	1,957.50
MICHAEL TODD & COMPANY I	808.27
NEBRASKA PUBLIC POWER DI	200.92
NEBRASKA SALT & GRAIN CO	1,485.96
PALTEC TRUCK	1,257.64
PAYFLEX	7.69
PAYLESS OFFICE PRODUCTS	173.21
TINCHER FORD-MERCURY INC	793.01
TITAN MACHINERY	327.27

PUBLIC LIBRARY

ACCU CUT SYSTEMS	50.38
AMERICAN LIBRARY ASSOCIA	250.00
BAKER & TAYLOR ENTERTAIN	1,612.68
CENTER POINT LARGE PRINT	233.64
CHARTER BUSINESS	40.00
DELTA DENTAL PLAN	121.90
DEMCO	162.35
EBSCO SUBSCRIPTION SERVI	154.60
FIRST BANKCARD	566.95
HIGGINS HARDWARE	48.16
IKON OFFICE SOLUTION	30.25
IKON OFFICE SOLUTIONS	397.71
NEBRASKA PUBLIC POWER DI	541.48
PAMIDA DISCOUNT CENTER	43.35
PAYFLEX	7.69

PARK & RECREATION

BLACK HILLS ENERGY	279.50
BOMGAARS SUPPLY	134.85
FARM PLAN	287.82
JOHN DEERE CREDIT	1,559.55
NEBRASKA PUBLIC POWER DI	77.75
PAYLESS OFFICE PRODUCTS	96.26

CEMETERY

DELTA DENTAL PLAN	51.00
NEBRASKA PUBLIC POWER DI	72.92
PAYFLEX	7.69

FIRE DEPARTMENT

FORT DEARBORN LIFE INSUR	172.00
VFW POST 2543 AUXILLARY	675.00
WINDSTREAM	103.37

SENIOR CITIZEN CENTER

STEUBE'S THRIFTWAY	118.81CR
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COMMUNITY CENTER

ADVANCED OFFICE AUTOMATI	48.49
AQUA LOGIC INC	302.25
BETTINA MOSLEY	125.00
BLACK HILLS ENERGY	3,593.45
BLUE DEVIL SPORTING GOOD	56.00
BOMGAARS SUPPLY	109.44
CHARTER BUSINESS	81.00
DELTA DENTAL PLAN	70.90

FITNESS PRO PLUS	187.50
JEN RUDNICK	50.00
MICHAEL ANZALONE	240.00
PAMIDA DISCOUNT CENTER	119.99
RONNIE BECKWITH	75.00
ROXANNE DOLECKI	125.00
SHARI BARRIES	105.00
THE THOMPSON COMPANY	148.53

AQUATIC

BLACK HILLS ENERGY	17.80
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WATER DEPARTMENT

AMERITAS LIFE INSURANCE	157.14
BOMGAARS SUPPLY	314.89
DELTA DENTAL PLAN	130.60
GRAINGER	45.00
HACH COMPANY	87.09
HAWKINS INC	310.00
LINDER TIRE & AUTO INC	793.43
M & M CONSTRUCTION INC	225.00
MICHAEL TODD & COMPANY I	263.46
MISSISSIPPI LIME COMPANY	3,193.75
NEBRASKA PUBLIC HEALTH E	217.00
NEBRASKA PUBLIC POWER DI	21.37
NMC EXCHANGE LLC	79.50
OFE OIL INC.	582.71
PAYFLEX	15.38
PIONEER EXCAVATING COMPA	547.50

SEWER DEPARTMENT

BLUE CROSS BLUE SHIELD	2,343.77
AMERITAS LIFE INSURANCE	94.29
BOMGAARS SUPPLY	32.97
DELTA DENTAL PLAN	153.00
LEAGUE OF NEB MUNICIPALI	90.00

STREET DEPARTMENT

OLMSTED & PERRY ENGINEER	600.59
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SENIOR CITIZEN CENTER

STEUBE'S THRIFTWAY	146.69
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20 CSO PROJECT WATER DEPARTMENT

HDR ENGINEERING INC	46,499.27
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21 NEW WATER TOWER WATER DEPARTMENT

HDR ENGINEERING INC	881.32
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Total Claims 128,557.35

Total Salaries and Claims 220,747.00

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

UNFINISHED BUSINESS

7:03 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:04 p.m. to hear any comments on the imposition of a special assessment on real estate at 608 South 8th Street legally described as PLATTS-STADELMAN'S LOT 3 BLK 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 stated that this was a unique situation as the mortgage company has taken over the property and did sign for the certified letter. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit A(02/01/2010). The Mayor closed the public hearing at 7:06 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 804 North 9th Street legally described as PLATTS-TOWNSEND'S ADD LOT 12 BLK 5 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 in pretty bad shape and it was owner occupied so an officer had to be present during clean-up and that is why the cost was so high. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit B(02/01/2010). The Mayor closed the public hearing at 7:08 p.m.

7:08 p.m. RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

ITEM 11 A

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

RESOLUTION NO. 10-001

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:
608 South 8th Street \$116.62
804 North 9th Street \$595.08

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:

608 South 8 th Street	PLATTS-STADELMAN'S LOT 3 BLK 2
804 North 9 th Street	PLATTSMOUTH-TOWNSEND'S ADD LOT 12 BLK 5

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 March 23, 2011, at which time the assessment shall be delinquent:

608 South 8 th Street	\$116.62
804 North 9 th Street	\$595.08

BE IT FURTHER RESOLVED that this special assessment shall become due on or before March 23, 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 1st day of February, 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 10-001 in to the record. ROLL CALL: Yes-Derby, Porter, Bowman, Jenkins and Tesarek. No-None. Absent-Kerns, Tilson and Wassinger. Abstain-None. MOTION CARRIED.

ITEM 11 B

Motion by Jenkins, seconded by Tesarek to approve Change Order No. 1 for the North Water Tower Project by and between the City of Plattsmouth and HDR Engineering to include the Davis Bacon Wage Requirements. ROLL CALL: Yes-Bowman, Jenkins, Tesarek, Derby and Porter. No-None. Absent-Kerns, Tilson and Wassinger. Abstain-None. MOTION CARRIED.

ITEM 11 C

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

RESOLUTION NO. 10-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA DESIGNATING THE OFFICIAL NEWSPAPERS FOR PUBLICATION OF NOTICES AND THE LOCATIONS FOR POSTING NOTICES.

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

WHEREAS, the City of Plattsmouth, Nebraska is subject to the Open Meetings Act which requires reasonable advance publicized notice of meetings by a method designated by the City; and

WHEREAS, the City is obligated to publish other notices as required by law.

NOW, THEREFORE, BE IT RESOLVED, that notices of public meetings of, and notices of public hearings by, the Mayor and City Council, and all other boards, committees, authorities or other entities related to the City which are required by law to be published, shall if possible be published in the Plattsmouth Journal. If publication is required and there is insufficient time to publish in the Plattsmouth Journal, then the Omaha World Herald shall be the newspaper for such publications.

BE IT FURTHER RESOLVED that when publishing is not required by law and posting is legally sufficient, said notices shall be posted at Plattsmouth City Hall, the Plattsmouth Public Library and the Office of the Cass County Clerk at the Cass County Courthouse.

PASSED AND APPROVED this 1ST day of February 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 11 D

Motion by Bowman, seconded by Jenkins to approve a Professional Services Consultant Agreement between the City of Plattsmouth and HDR Inc. to provide Downtown Revitalization Phase I Planning services as defined in the Scope of Service (Attachment A) at a cost not to exceed \$23,980.00. ROLL CALL: Yes-Porter, Bowman, Jenkins, Tesarek and Derby. No-None. Absent-Kerns, Tilson and Wassinger. Abstain-None. MOTION CARRIED.

ITEM 12

Mike Bowman, Streets and Alleys Committee Chairman, stated that he did receive a phone call requesting moving/adding of "No Parking" signs on North Bound James Street in the 100 block. Bowman stated that it looks to him like a sign is missing and he will research it further.

ITEM 13

City Administrator, Erv Portis reviewed LB 512 (amends the law regarding airport zoning) and LB 799 (change the state building code by allowing use of the International Existing Building Code, 2009, Edition, published by the International Code Council). Portis asked the Council to consider supporting both LB512 and LB799. Motion by Jenkins, seconded by Bowman to support LB512 and LB799. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman and Jenkins. No-None. Absent-Kerns, Tilson and Wassinger. Abstain-None. MOTION CARRIED.

ITEM 16

7:28 p.m. Motion by Tesarek, seconded by Jenkins to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk