

PLATTSMOUTH CITY COUNCIL
September 7, 2010

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:06 o'clock p.m. on September 7, 2010 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Mike Bowman, Terry D. Tilson, Ruth Wassinger, Rod Jenkins 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 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'S DELEGATION:

No one spoke at Citizen Delegation.

ITEM 6-MAYOR PROCLAMATION

There were no mayoral proclamations

ITEM 7-CONSENT AGENDA:

Motion by Wassinger, seconded by Tilson to approve the consent agenda as listed:

- A Consider approval of August 16, 2010 City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for October 23, 2010 for a Fund Raiser at 502 South 18th Street, Plattsmouth NE from 12:00 a.m. to 12:00 p.m.
- C Consider recommendation for approval of a Special Designated License filed by Mayden Layne Enterprises Inc d/b/a DC's Waterhole for an Open House on October 1, 2010 at 506 Main Street, Plattsmouth from noon to 1:00 a.m.
- D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 8/13 & 8/27/2010 not Net as before.

General Admin 25,357.07
Humane 2,160.00
Police 53,255.18
Street 20,261.78
Public Library 10,739.53
Parks 5,548.00
Oakhill Cemetery 2,736.00
Community Center 17,505.90
Senior Center 3,561.92
Pool 12,404.01
Sewer 8,265.51
Water 14,432.50
Rescue 6,720.00
TOTAL SALARIES 183,047.40

VARIOUS

| | |
|--------------------------|-----------|
| AMERICAN FAMILY LIFE | 24.10 |
| BLUE CROSS BLUE SHIELD | 28,927.57 |
| FIDELITY SECURITY LIFE I | 257.08 |
| FRATERNAL ORDER OF POLIC | 180.00 |
| MUTUAL OF OMAHA | 581.90 |
| PLATTSMOUTH STATE BANK | 1,264.60 |
| THE UNION CENTRAL LIFE I | 155.02 |
| UNITED STATES LIFE INSUR | 71.81 |

GENERAL ADMINISTRATION

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|--------------------------|----------|
| ADVANCED OFFICE AUTOMATI | 117.11 |
| BLUE CROSS BLUE SHIELD | 422.30 |
| BOMGAARS SUPPLY | 25.47 |
| C & L CLEANING | 150.00 |
| D & J BUZZ CUTS | 550.00 |
| DANA F. COLE & COMPANY L | 1,020.00 |
| DELTA DENTAL PLAN | 306.00 |
| DEPT OF CORRECTIONAL SER | 280.00 |
| DERBY'S HEATING AND AIR | 195.66 |
| DOUG DUEY | 306.30 |
| EGAN SUPPLY CO | 127.05 |
| FIRST BANKCARD | 894.90 |
| KENNEDY STORAGE | 50.00 |
| MENARDS | 18.99 |
| NEBRASKA DEPARTMENT OF R | 25.00 |
| NEBRASKA PUBLIC POWER DI | 868.15 |

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|--------------------------|----------|
| PAPILLION SANITATION | 48.50 |
| PAYFLEX | 30.20 |
| PAYLESS OFFICE PRODUCTS | 77.93 |
| PITNEY BOWES INC. | 145.00 |
| R & R CLEANING | 330.00 |
| SCHNEIDER AGENCY | 124.00 |
| UNLIMITED VISION LLC | 145.00 |
| WELLS FARGO FINANCIAL LE | 177.49 |
| WIREBUILT CO | 705.00 |
| HUMANE/CODE ENFORCEMENT | |
| DOLLAR GENERAL | 11.50 |
| NEBRASKA PUBLIC POWER DI | 134.21 |
| EMS | |
| ARTHUR SCHLEICHER | 76.75 |
| D & D LASER INC | 103.90 |
| DELTA DENTAL PLAN | 102.00 |
| EMS BILLING SERVICES INC | 1,933.60 |
| FIRESTONE COMPLETE AUTO | 1,195.42 |
| FOUR STAR LAUNDRY | 11.60 |
| LIFE-ASSIST INC | 615.24 |
| LINWELD | 251.92 |
| MIA MARTIN | 624.90 |
| MULLENAX AUTO SUPPLY | 92.34 |
| VERIZON WIRELESS | 105.45 |
| POLICE | |
| ALAMAR UNIFORMS | 9.60 |
| DELTA DENTAL PLAN | 538.60 |
| LINDER TIRE & AUTO INC | 16.00 |
| NEXTEL PARTNERS | 166.33 |
| PAYFLEX | 38.12 |
| PAYLESS OFFICE PRODUCTS | 105.57 |
| PITNEY BOWES INC. | 100.00 |
| STREET | |
| ASPHALT & CONCRETE MATER | 841.50 |
| BARNES DISTRIBUTION | 55.42 |
| BLACK HILLS ENERGY | 50.50 |
| BOMGAARS SUPPLY | 37.43 |
| DELTA DENTAL PLAN | 294.80 |
| FARM PLAN | 51.70 |
| GENE'S SERVICE & SPORTS | 21.39 |
| NEBRASKA PUBLIC POWER DI | 5,805.79 |

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| PAYFLEX | 7.92 | |
| PLATTSMOUTH READY MIX IN | 485.71 | |
| QUALITY SIGNS | 37.50 | |
| TINCHER FORD-MERCURY INC | 10,235.92 | |
| UNIVERSITY OF NEBRASKA - | 30.00 | |
| VOGEL TRAFFIC SERVICES | 1,597.50 | |
| WHITE CAP CONSTRUCTION S | 404.99 | |
| PUBLIC LIBRARY | | |
| BAKER & TAYLOR BOOKS | 3,033.20 | |
| BAKER & TAYLOR ENTERTAIN | 53.30 | |
| CENTER POINT LARGE PRINT | 234.24 | |
| DELTA DENTAL PLAN | 102.00 | |
| HIGGINS HARDWARE | 29.37 | |
| JOHN'S APPLIANCE | 424.70 | |
| KIRSTEN WOOD | 22.45 | |
| NEBRASKA PUBLIC POWER DI | 1,112.77 | |
| O'KEEFE ELEVATOR CO INC | 324.08 | |
| OCLC INC | 653.73 | |
| PAYFLEX | 7.92 | |
| SPRAGUE ELECTRIC | 1,492.50 | |
| BARBARA MILLER | 251.89 | |
| BLACK HILLS ENERGY | 22.15 | |
| CHARTER BUSINESS | 40.00 | |
| FIRST BANKCARD | 43.90 | |
| IKON OFFICE SOLUTION | 33.28 | |
| IKON OFFICE SOLUTIONS | 378.78 | |
| WINDSTREAM | 121.21 | |
| PARK & RECREATION | | |
| BLACK HILLS ENERGY | 20.10 | |
| BOMGAARS SUPPLY | 54.64 | |
| FERGUSON ENTERPRISES | 4,764.76 | |
| JOHN DEERE CREDIT | 1,559.55 | |
| LYMAN RICHEY SAND & GRAV | 29.07 | |
| MESKE ACE HARDWARE | 7.95 | |
| MENARDS | 235.43 | |
| MULLENAX AUTO SUPPLY | 202.46 | |
| NEBRASKA PUBLIC POWER DI | 131.54 | |
| OMAHA DOOR & WINDOW COMP | 1,386.00 | |
| PAPILLION SANITATION | 84.24 | |
| USA BLUEBOOK | 80.09 | |
| UTILITY EQUIPMENT | 1907.51 | |

CEMETERY

| | |
|--------------------------|--------|
| BOMGAARS SUPPLY | 26.94 |
| DELTA DENTAL PLAN | 51.00 |
| NEBRASKA PUBLIC POWER DI | 29.97 |
| PAYFLEX | 7.92 |
| TILSON AUTOMOTIVE | 162.50 |

FIRE

| | |
|--------------------------|--------|
| ALAMAR UNIFORMS | 297.77 |
| INTERSTATE POWER SYSTEMS | 365.28 |
| MULLENAX AUTO SUPPLY | 327.14 |
| OMAHA COMPOUND COMPANY | 49.86 |
| WINDSTREAM | 207.19 |

SENIOR CITIZEN CENTER

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|-------------------------|--------|
| EGAN SUPPLY CO | 577.66 |
| FOUR STAR LAUNDRY | 110.55 |
| MENARDS | 14.49 |
| NEBRASKA FURNITURE MART | 514.48 |
| OFF OIL INC. | 3.00 |
| SHORT STOP | 116.89 |
| STEUBE'S THRIFTWAY | 157.10 |
| WINDSTREAM | 114.65 |

COMMUNITY CENTER

| | |
|--------------------------|--------|
| ADVANCED OFFICE AUTOMATI | 46.88 |
| BETTINA MOSLEY | 200.00 |
| BLACK HILLS ENERGY | 319.94 |
| BOMGAARS SUPPLY | 58.67 |
| CHARTER BUSINESS | 40.00 |
| CIT TECHNOLOGY | 143.57 |
| DAVE STEINKRUGER | 50.00 |
| DELTA DENTAL PLAN | 70.90 |
| DONNA HOLMES | 130.00 |
| EGAN SUPPLY CO | 145.74 |
| FISERV | 375.00 |
| IMPACT MANUFACTURING | 28.05 |
| JEN RUDNICK | 25.00 |
| KELLEY SCANLAN | 30.00 |
| MAKD INC | 185.00 |
| MARIA SCHMIDT | 125.00 |
| MICHAEL ANZALONE | 240.00 |
| NEBRASKA AIR FILTER INC | 248.94 |
| PAMIDA DISCOUNT CENTER | 151.90 |

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|----------------------|--------|
| PAPILLION SANITATION | 87.41 |
| ROXANNE DOLECKI | 100.00 |
| SARAH ASCHENBRENNER | 40.00 |
| SHARI BARRIES | 120.00 |
| WINDSTREAM | 343.96 |

AQUATIC

| | |
|--------------------------|----------|
| BLACK HILLS ENERGY | 49.59 |
| EGAN SUPPLY CO | 155.77 |
| KIM CHURCH | 100.00 |
| MENARDS | 84.86 |
| NEBRASKA PUBLIC POWER DI | 2,110.11 |

ECONOMIC DEVELOPMENT-LB840

| | |
|---------------------|----------|
| HDR ENGINEERING INC | 1,199.00 |
|---------------------|----------|

WATER

| | |
|--------------------------|----------|
| BLACK HILLS ENERGY | 20.10 |
| BOMGAARS SUPPLY | 338.03 |
| CENTRAL TRANSPORTATION S | 1,744.25 |
| DANA F. COLE & COMPANY L | 420.00 |
| DELTA DENTAL PLAN | 130.60 |
| DHHS | 115.00 |
| ELECTRIC PUMP | 234.24 |
| HAWKINS INC | 408.50 |
| HD SUPPLY WATERWORKS LTD | 1,428.50 |
| MENARDS | 189.60 |
| MISSISSIPPI LIME COMPANY | 6,188.75 |
| MUNICIPAL AUTOMATION & C | 4,608.50 |
| MUNICIPAL SUPPLY INC | 176.59 |
| NEBRASKA PUBLIC POWER DI | 9,087.91 |
| NMC EXCHANGE LLC | 68.72 |
| PAYFLEX | 7.92 |
| PAYLESS OFFICE PRODUCTS | 32.27 |
| USA BLUEBOOK | 647.53 |
| UTILITY EQUIPMENT COMPAN | 1,102.28 |

SEWER

| | |
|--------------------------|----------|
| BLUE CROSS BLUE SHIELD | 2,343.77 |
| CENTRAL UNITED LIFE INSU | 265.44 |
| MUTUAL OF OMAHA | 18.96 |
| UNITED STATES LIFE INSUR | 30.40 |
| BOMGAARS SUPPLY | 127.32 |
| DANA F. COLE & COMPANY L | 260.00 |
| DELTA DENTAL PLAN | 153.00 |

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|-----------------------------|------------|
| DPC INDUSTRIES INC | 45.00 |
| HD SUPPLY WATERWORKS LTD | 52.56 |
| JOHN DAY CO | 115.63 |
| NEBRASKA PUBLIC POWER DI | 2,526.91 |
| USA BLUEBOOK | 427.60 |
| 14 FEDERAL AVE A TO AVE C | |
| NEBRASKA DEPT OF ROADS | 5,233.05 |
| 20 CSO PROJECT | |
| BAIRD HOLM LLP | 2,010.00 |
| HDR ENGINEERING INC | 21,109.10 |
| 21 NEW WATER TOWER | |
| CALDWELL TANKS | 230,338.53 |
| HDR ENGINEERING INC | 1,224.50 |
| 24 STREET/SIDE MAINT | |
| HDR ENGINEERING INC | 11,303.24 |
| 25 BURK TRUST FIRE | |
| ASSOCIATION OF PUBLIC-SA | 210.00 |
| CAPITAL TOWER & COMMUNIC | 4,363.00 |
| 25 BURK TRUST SENIOR CENTER | |
| COMPUTERS TO GO | 199.00 |
| NEBRASKA FURNITURE MART | 444.51 |
| TIMS FLOORING | 2,700.00 |
| TOTAL CLAIMS | 403,305.83 |
| TOTAL SALARIES AND CLAIMS | 599,474.61 |

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1816: AN ORDINANCE TO VACATE THAT PORTION OF SOUTH 8TH STREET WHICH IS NORTH OF LINCOLN AVENUE AND SOUTH OF 12TH AVE BETWEEN BLOCKS 24 AND 25, SOUTH PARK ADDITION TO THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA; TO PROVIDE FOR OWNERSHIP OF THE SAME TO REVERT TO THE ADJACENT PROPERTY OWNERS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Bowman, seconded by Derby that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1816 be adopted on first reading by title only. ROLL CALL: Yes-Jenkins, Derby, Porter, Bowman, Tilson and Wassinger. No-None. Absent-Kerns and Tesarek. Abstain-None.

MOTION CARRIED. Said ordinance was read by title only and thereafter Bowman moved for final passage of the ordinance which motion was seconded by Jenkins. ROLL CALL: Yes-Wassinger, Jenkins, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns and Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9

7:12 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:15 p.m. with regard to Imposition of a special assessment on real estate at 1209 Lincoln Avenue legally described as PLATTSMOUTH—OUTLOTS S 108' L 15 NW1/4 NW1/4 19-12-14 (.38) 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. Amber Gudgell, Evidence Technician for the Plattsmouth Police Department presented Exhibit A and reviewed the timeline for all events regarding the imposition of a special assessment on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:16 p.m.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:16 p.m. with regard to Imposition of a special assessment on real estate at 612 Chicago Avenue legally described as PLATTS—OAKMONT LOT 6 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. Amber Gudgell, Evidence Technician for the Plattsmouth Police Department presented Exhibit B and reviewed the timeline for all events regarding the imposition of a special assessment on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:17 p.m.

ITEM 9 C

Pursuant to publication, the Mayor opened the public hearing at 7:17 p.m. with regard to Imposition of a special assessment on real estate at 824 1st Avenue legally described as PLATTSMOUTH—ORIG TOWN S80' OF LOT 7 & 8 BLK 38 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. Amber Gudgell, Evidence Technician for the Plattsmouth Police Department presented Exhibit C and reviewed the timeline for all events regarding the imposition of a special assessment on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:21 p.m.

ITEM 9 D

Pursuant to publication, the Mayor opened the public hearing at 7:21 p.m. with regard to Imposition of a special assessment on real estate at 1506 Mark Street legally described as PLATTSMOUTH—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. Amber Gudgell, Evidence Technician for the Plattsmouth Police Department presented Exhibit D and reviewed the timeline for all events regarding the imposition of a special assessment on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:23 p.m.

ITEM 10

7:23 p.m. RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

ITEM 11-NEW BUSINESS

ITEM 11 A

Council Member Wassinger introduced a Resolution numbered and titled: RESOLUTION NO. 10-022: **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.**

Motion by Wassinger, seconded by Porter to adopt Resolution No. 10-022. City Attorney Roger Johnson read the Resolution in to the record:

RESOLUTION NO. 10-022

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:

| | |
|----------------------------|----------|
| 1209 Lincoln Avenue | \$817.32 |
| 612 Chicago Avenue | \$136.08 |
| 824 1 st Avenue | \$136.08 |
| 1506 Mark Street | \$146.08 |

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:

| | |
|----------------------------|---|
| 1209 Lincoln Avenue | PLATTSMOUTH—OUTLOTS S108' L15 NW ¼ NW ¼ 19-12-14 (.38) |
| 612 Chicago Avenue | PLATTS—OAKMONT LOT 6 |
| 824 1 st Avenue | PLATTSMOUTH—ORIG TOWN S80' OF LOT 7 & 8 BLK 38 |
| 1506 Mark Street | PLATTS—LAS LOMAS LOT 34 |

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 October 27, 2011, at which time the assessment shall be delinquent:

| | |
|----------------------------|----------|
| 1209 Lincoln Avenue | \$817.32 |
| 612 Chicago Avenue | \$136.08 |
| 824 1 st Avenue | \$136.08 |
| 1506 Mark Street | \$146.08 |

BE IT FURTHER RESOLVED that this special assessment shall become due on or before October 27, 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 7th day of September 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 11 B

Mayor Lambert nominated Steven Rathman of Grand Island, Nebraska as the Chief of Police for the City of Plattsmouth. Council member Wassinger reviewed the interview process and stated

that Mr. Rathman was the unanimous choice of the selection committee. Motion by Derby, seconded by Porter to approve the Mayor's nomination of Steven Rathman of Grand Island, Nebraska as the Chief of Police for the City of Plattsmouth effective October 4, 2010. ROLL CALL: Yes-Wassinger, Jenkins, Derby, Porter and Bowman. No-None. Absent-Kerns and Tesarek. Abstain-Tilson. MOTION CARRIED.

ITEM 11 C

City Attorney Roger Johnson administered the Oath of Office to Steven Rathman as the Chief of Police for the City of Plattsmouth. After the oath was administered Chief Rathman thanked the selection committee and the Mayor and Council for their faith in him.

7:35 p.m. Council Member Kerns arrived

ITEM 11 D

Pursuant to publication, the Mayor opened the public hearing at 7:37 p.m. with regard to the Fiscal Year 2009/2010 City of Plattsmouth Amended Budget. City Administrator Erv Portis reviewed the amendments. No one else spoke in favor or opposition to the amended budget. The Mayor closed the public hearing at 7:38 p.m.

ITEM 11 E

Pursuant to publication, the Mayor opened the public hearing at 7:38 p.m. with regard to the Fiscal Year 2010/2011 City of Plattsmouth Budget. City Administrator Erv Portis reviewed the proposed budget and briefly touched on each department budget. Portis also stated that the Health Insurance renewal came in at a 3.5% increase and that a 3% pay increase was figured in for all full time and permanent part time employees. No one else spoke in favor or opposition to the proposed Fiscal Year 2010/2011 City of Plattsmouth Budget. The Mayor closed the public hearing at 7:43 p.m.

ITEM 11 F

Pursuant to publication, the Mayor opened the public hearing at 7:43 p.m. with regard to the Final Property Tax Request for Fiscal Year 2010/2011 City of Plattsmouth. No one spoke in favor or opposition to the Final Property Tax Request for Fiscal Year 2010/2011 City of Plattsmouth. The Mayor closed the public hearing at 7:44 p.m.

ITEM 11 G

Council Member Wassinger introduced a Resolution numbered and titled: Resolution No. 10-019 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PREVIOUSLY ADOPTED BUDGET FOR FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010.

Motion by Wassinger, seconded by Jenkins to adopt Resolution No. 10-019. City Attorney

Roger Johnson read the Resolution in to the record:

RESOLUTION NO. 10-019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PREVIOUSLY ADOPTED BUDGET FOR FISCAL YEAR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010.

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 amending the 2009-2010 budget.

NOW, THEREFORE, the City Council of the City of Plattsmouth, by a majority vote, resolves that: The 2009-2010 budget be approved as amended to increase the Budgeted Disbursements to \$9,484,835.28, to increase the Necessary Cash Reserve to \$5,444,996.08 and to increase the Total Resources Available to \$14,929,831.36

PASSED AND APPROVED this 7th day of September 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 11 H

Council Member Porter introduced a Resolution numbered and titled: Resolution No. 10-020 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

Motion by Porter, seconded by Wassinger to adopt Resolution No. 10-020. City Attorney Roger Johnson read the resolution in to the record:

RESOLUTION NO. 10-020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 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, 2010 through September 30, 2011.

NOW, THEREFORE, BE IT RESOLVED that the budget is adopted for fiscal year of October 1, 2010 through September 30, 2011 with a dollar requirement totaling \$1,305,433.00.

BE IT FURTHER RESOLVED that the budget limit for 2010-2011 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, 2010.

PASSED AND APPROVED this 7th day of September 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Council Member Jenkins questioned the added position and suggested upgrading the Financial Software before we move forward with adding a position. Council Member Wassinger stated that the separation of the Clerk and Treasurer is due to Auditor requirements. Council Member Tilson stated that the Council was not getting timely reports. After further discussion, ROLL CALL: Yes-Wassinger, Derby, Porter, Kerns and Bowman. No-Tilson and Jenkins. Absent-Tesarek. Abstain-None. MOTION FAILED.

City Administrator Erv Portis reminded the Council that by Resolution No. 10-020 failing the City will not have the additional 1% above the state-imposed budget growth limit of 2.5% available in the Fiscal Year 2010/2011 budget year. After further discussion, motion by Jenkins to reconsider Resolution No. 10-020 and adopt, seconded by Wassinger. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Derby, Porter and Kerns. No-Jenkins. Absent-Tesarek. Abstain-None. MOTION CARRIED.

Council Member Porter introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1818: AN ORDINANCE TO ADOPT THE BUDGET STATEMENT FOR THE CITY OF PLATTSMOUTH, NEBRASKA TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; TO**

APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; AND TO PROVIDE FOR AN EFFECTIVE DATE. Motion by Porter, seconded by Kerns that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1818 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Bowman moved for final passage of the ordinance, which motion was seconded by Porter. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Derby, Porter, Kerns and Bowman. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 11 I

Council Member Bowman introduced a Resolution titled and numbered as follows: Resolution No. 10-021: 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, 2010 THROUGH SEPTEMBER 30, 2011.

Motion by Bowman, seconded by Tilson to adopt Resolution No. 10-021. City Attorney Roger Johnson read the resolution in to the record:

RESOLUTION NO. 10-021

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, 2010 THROUGH SEPTEMBER 30, 2011.

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, 2010 through September 30, 2011; 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 budget is adopted for the fiscal year October 1, 2010 through September 30, 2011 with a dollar requirement totaling \$1,305,433.00 and that the property tax levy be set at \$.440424 per \$100.00 of valuation for the general fund and .049251 per \$100.00 of valuation for the Fire Station Bond Fund; and

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; and

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, 2010.

PASSED AND APPROVED this 7th day of September 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 11 J

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1814: **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 Bowman, seconded by Jenkins that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1814 be adopted on first reading by title only. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Derby. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Jenkins moved for final passage of the ordinance, which motion was seconded by Derby. ROLL CALL: Yes-Wassinger, Jenkins, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 11 K

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1815: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2010; TO REPEAL ORDINANCE NO. 1792 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Wassinger that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1815 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson and Wassinger.

No-Jenkins. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Bowman moved for final passage of the ordinance, which motion was seconded by Porter. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-Jenkins. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 11 L

Pursuant to publication, the Mayor opened the public hearing at 8:26 p.m. with regard to the Nebraska Liquor Control Commission Application for Liquor License from The Barracks Bar & Grill LLC DBA The Barracks, 226 Main Street, Plattsmouth, Nebraska. No one spoke in favor or opposition to the application. The Mayor closed the public hearing at 8:27 p.m.

ITEM 11 M

Motion by Porter, seconded by Tilson to give a favorable recommendation to the Nebraska Liquor Control Commission with regard to the Nebraska Liquor Control Commission Application for Liquor License from The Barracks Bar & Grills LLC DBA The Barracks, 226 Main Street, Plattsmouth, Nebraska. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Derby, Porter and Kerns. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 11 N

Council Member Jenkins introduced an ordinance numbered and titled as follows: Ordinance No. 1817: **AN ORDINANCE TO VACATE THAT PORTION OF THE EAST-WEST ALLEY WHICH IS NORTH OF LOTS 1 THROUGH 8, BLOCK 1, MICKELWAIT'S ADDITION TO THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA; TO PROVIDE FOR OWNERSHIP OF THE SAME TO REVERT TO THE ADJACENT PROPERTY OWNERS; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Jenkins, seconded by Derby that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1817 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Derby, Porter, Kerns and Bowman. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only and thereafter Jenkins moved for final passage of the ordinance, which motion was seconded by Bowman. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Derby and Porter. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 11 O

Motion by Bowman, seconded by Wassinger to approve the Contractor's Application and Certificate for Payment (App. No. 2) from Graham Construction Inc. in the amount of \$186,127.12 for the Main Street Corridor Improvements Project and authorize payment. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Derby, Porter, Kerns and Bowman. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

Council Member Kerns stated that he would be abstaining from any discussion or action on Items P and Q due to the fact that his company (Kerns Excavating) is a subcontractor on the 500,000 Gallon Torus Bottom Tank (North Water Tower) Project.

ITEM 11 P

Motion by Jenkins, seconded by Bowman to approve the Contractor's Application for Payment No. SIX (6) from Caldwell Tanks, Inc. in the amount of \$163,328.31 for the 500,000 Gallon Torus Bottom Tank (North Water Tower) Project and authorize payment. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Tesarek. Abstain-Kerns. MOTION CARRIED

ITEM 11 Q

Motion by Jenkins, seconded by Wassinger to approve the Contractor's Application for Payment No. SEVEN (7) from Caldwell Tanks, Inc. in the amount of \$67,010.22 for the 500,000 Gallon Torus Bottom Tank (North Water Tower) Project and authorize payment. ROLL CALL: Yes-Porter, Bowman, Tilson, Wassinger, Jenkins and Derby. No-None. Absent-Tesarek. Abstain-Kerns. MOTION CARRIED.

ITEM 11 R

Motion by Bowman, seconded by Jenkins to approve Change Order No. 2 for the Main Street Corridor Improvements Project to delete the Richey Street Sanitary Sewer Main with a net difference of -\$10,781.93 for a revised contract price of \$4,176,932.53. ROLL CALL: Yes-Wassinger, Jenkins, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 11 S

City Administrator Erv Portis reviewed the diagram in the packet and stated that a portion of this is an easement and the easement was negotiated. Motion by Porter, seconded by Wassinger to approve the Change Order No. 3 for the Main Street Corridor Improvements Project for additional pavement removal and replacement within the Main Street right of way and on the property of 201 Main Street with a new difference of +\$28,698.45 for a revised contract price of \$4,205,630.98. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Derby, Porter and Kerns. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 11 T

Motion by Jenkins, seconded by Porter to approve the Plattsmouth Emergency Medical Services Roster. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Derby and Porter. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 11 U

At the request of the Plattsmouth Volunteer Fire Department Chief, Mike Wilson the appointment of Ken Baker as a Probationary Member of the Plattsmouth Volunteer Fire Department was not considered at this time.

ITEM 11 V

Motion by Jenkins, seconded by Tilson to approve the Plattsmouth Volunteer Fire Department Roster after the removal of Ken Baker from the roster. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Derby, Porter, Kerns and Bowman. No-None. Absent-Tesarek. Abstain-None. MOTION CARRIED.

ITEM 12-STREETS AND ALLEYS

The Streets and Alleys Committee had nothing to report.

ITEM 15

8:47 p.m. Motion by Jenkins, seconded by Porter to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk