

PLATTSMOUTH CITY COUNCIL

October 4, 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 October 4, 2010 at the City Hall in Plattsmouth Nebraska. Present were Council Members: Mike Bowman, Terry Tilson, Ruth Wassinger, 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 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:

Charles Jones, Executive Director of the Plattsmouth Main Street Association stated that Cruzin Main (Friday, October 1, 2010) was the best ever with no open spaces for cars to be shown. Jones also reviewed the upcoming events: Friday, October 26, 2010-Halloween on Main and Friday, December 3, 2010-Christmas on Main. Jones also made reference to a handout (heritage Nebraska Main Street) and the positive statistics for the City of Plattsmouth.

7:04 p.m. Council Member Terry Kerns arrived

Mayor Lambert introduced Steve Rathman, Chief of Police to the council and audience as our newly hired Chief of Police and welcomed him to our community

ITEM 6-MAYOR PROCLAMATION

The Mayor proclaimed the week of October 17-23, 2010 as National Friends of Libraries Week and read the proclamation. Mayor Lambert presented the proclamation to Jerry Blackwell a Plattsmouth Library Board Member.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of September 20, 2010 City Council Meeting Minutes
- B Consider approval of claims

Please note these are GROSS SALARIES 9/24/2010 not Net as before.

General Admin 15,170.21
Humane 1,080.00
Police 27,487.17
Street 11,524.33
Public Library 4,557.98
Parks 1,128.00
Oakhill Cemetery 1,423.70
Community Center 8,320.88
Senior Center 1,778.97
Pool 0
Sewer 4,121.56
Water 7,059.25
Rescue 3,487.50
TOTAL SALARIES 87,139.55

Various

AMERICAN FAMILY LIFE	24.10
BLUE CROSS BLUE SHIELD	31,292.45
FRATERNAL ORDER OF POLIC	180.00
THE UNION CENTRAL LIFE I	155.02
UNITED STATES LIFE INSUR	110.61
GENERAL ADMINISTRATION	
BLUE CROSS BLUE SHIELD	422.30
CITY TREASURER-Reimburse Petty Cash	47.33
D & J BUZZ CUTS	300.00
DELTA DENTAL PLAN	306.00
DOLLAR GENERAL	2.00
EGAN SUPPLY CO	116.97
KENNEDY STORAGE	50.00
NATIONAL LEAGUE OF CITIE	1,117.00
NEBRASKA MUNICIPAL CLERK	35.00
NEBRASKA PUBLIC POWER DI	561.60
OLMSTED & PERRY ENGINEER	438.38
PITNEY BOWES INC.	145.00
THE COLUMBUS TELEGRAM	464.12
WELLS FARGO FINANCIAL LE	177.49
HUMANE/CODE ENFORCEMENT	
BOMGAARS SUPPLY	8.98
SUE BAKER	85.60
EMS	
C & L CLEANING	600.00
DELTA DENTAL PLAN	102.00
EMS BILLING SERVICES INC	2,338.70

FOUR STAR LAUNDRY	9.03
HOST COFFEE SERVICE INC	35.50
IDEAL PURE WATER	11.96
LIFE-ASSIST INC	240.96
LINWELD	43.54
MULLENAX AUTO SUPPLY	33.67
RUSTY ECK FORD	2,848.02
STERICYCLE INC	63.00
POLICE	
CITY TREASURER-Reimburse Petty Cash	10.00
DELTA DENTAL PLAN	640.60
OCE IMAGISTICS	104.65
TINCHER FORD-MERCURY INC	182.94
STREET	
ALLIED OIL & SUPPLY INC	207.90
BLACK HILLS ENERGY	43.02
BOMGAARS SUPPLY	128.07
CITY TREASURER-Reimburse Petty Cash	10.69
DELTA DENTAL PLAN	294.80
FARM PLAN	81.91
NEBRASKA PUBLIC POWER DI	102.91
QUALITY SIGNS	142.00
SEARS COMMERCIAL ONE	71.42
PUBLIC LIBRARY	
ACCU CUT SYSTEMS	87.57
BAKER & TAYLOR BOOKS	2,338.06
BAKER & TAYLOR ENTERTAIN	19.92
CENTER POINT LARGE PRINT	233.64
CHARTER BUSINESS	40.00
CITY TREASURER-Reimburse Petty Cash	28.32
DELTA DENTAL PLAN	102.00
FIRST BANKCARD	82.84
HIGHSMITH INC	10.13
IKON OFFICE SOLUTION	817.46
IKON OFFICE SOLUTIONS	378.78
'NEBRASKA PUBLIC POWER	888.21
STATE OF NEBRASKA	100.00
PARK & RECREATION	
BLACK HILLS ENERGY	19.30
BOMGAARS SUPPLY	226.64
CITY TREASURER-Reimburse Petty Cash	20.40
FERGUSON ENTERPRISES	167.79
JOHN DEERE CREDIT	1,559.55
MENARDS	237.02
NEBRASKA PUBLIC POWER DI	99.24
PLATTSMOUTH READY MIX IN	291.86
CEMETERY	
BOMGAARS SUPPLY	.61
DELTA DENTAL PLAN	51.00
NEBRASKA PUBLIC POWER DI	24.84

FIRE DEPARTMENT

ALERT-ALL CORPORATION	1,710.00
DON'S PIONEER UNIFORM	85.90
FORT DEARBORN LIFE INSUR	202.96
HIGGINS HARDWARE	55.29
HOST COFFEE SERVICE INC	35.50
SPRAGUE ELECTRIC	475.00

SENIOR CITIZEN CENTER

BLACK HILLS ENERGY	90.58
BOMGAARS SUPPLY	9.49

COMMUNITY CENTER

ADVANCED OFFICE AUTOMATI	44.63
ALLIED OIL & SUPPLY INC	167.90
BETTINA MOSLEY	200.00
BLACK HILLS ENERGY	90.58
CHARTER BUSINESS	85.43
DEBBIE BAGGENSTOSS	100.00
DELTA DENTAL PLAN	70.90
DONNA HOLMES	100.00
FERGUSON ENTERPRISES	834.78
FITNESS PRO PLUS	90.00
IKON OFFICE SOLUTION	564.48
JOURNAL BROADCAST GROUP/	1,350.00
KAREN MOREHEAD	50.00
KELLEY SCANLAN	50.00
MAKD INC	275.00
MARIA SCHMIDT	175.00
MICHAEL ANZALONE	240.00
RANTOUL BELL	775.00
ROXANNE DOLECKI	75.00
SARAH ASCHENBRENNER	87.50
SHARI BARRIES	150.00
STATE OF NEBRASKA	100.00

AQUATIC

BLACK HILLS ENERGY	25.86
BOMGAARS SUPPLY	40.73
QUALITY SIGNS	100.00CR

WATER

BLACK HILLS ENERGY	18.90
BOMGAARS SUPPLY	236.79
CENTRAL TRANSPORTATION S	1,669.07
DELTA DENTAL PLAN	130.60
DUGAN BUSINESS FORMS	574.04
HAWKINS INC	1,422.76
HEARTLAND TECHNOLOGY SOL	1,633.00
MISSISSIPPI LIME COMPANY	3,025.00
MUNICIPAL SUPPLY INC	292.48
NEBRASKA PUBLIC HEALTH E	501.00
NEBRASKA PUBLIC POWER DI	1,632.05
SCOCO SUPPLY INC	105.02

UTILITY EQUIPMENT COMPAN	236.64
ECONOMIC DEVELOPMENT	
PLATTSMOUTH MAIN STREET 5,000.00	
SEWER	
BLUE CROSS BLUE SHIELD	2,343.77
CENTRAL UNITED LIFE INSU	265.44
UNITED STATES LIFE INSUR	30.40
BOMGAARS SUPPLY	272.25
DELTA DENTAL PLAN	153.00
DUGAN BUSINESS FORMS	574.03
GENERAL FIRE & SAFETY	6,065.00
HD SUPPLY WATERWORKS LTD	661.47
INTERSTATE ALL BATTERY	149.90
LAKELAND ENGINEERING EQU	310.00
THE COLUMBUS TELEGRAM	16.13
20 CSO PROJECT (CLEAN WATER SRF)	
HDR ENGINEERING INC	9,136.20
21 NEW WATER TOWER PROJECT (DWSRF)	
HDR ENGINEERING INC	838.19
24 .05% SALES TAX STREET/SIDE MAINT	
HDR ENGINEERING INC	22,926.27
PLATTSMOUTH STATE BANK	1,032.50
Total Claims	121,871.83
Total Salaries and Claims	209,011.38

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

ITEM 8-UNFINISHED BUSINESS

Mayor Lambert stated that Item 9 F and Item 9 G would be considered immediately after Item 8 A.

ITEM 8 A

Chris Koenig, HDR reviewed each item listed in the Summary of Change Order No. 4 and gave justification for each change. Koenig stated that the monetary changes would be: Schedule A (CSO) \$41,237.32 and Schedule B (Streetscape) \$25,127.39 for a total of +\$66,364.71. After further discussion, motion by Wassinger, seconded by Derby to approve Change Order No. 4 on the Main Street Corridor Improvement Project for a revised contract price with all approved change orders from \$4,205,630.98 to \$4,271,959.69 and direct the Mayor to execute the document. ROLL CALL: Yes-Tesarek, Derby, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 F

Chris Koenig, HDR was available for any questions. Motion by Kerns, seconded by Jenkins to

approve Graham Construction Application and Certificate for Pay App No. 3, Main Street Corridor Improvement Project in the amount of \$225,920.58 (Schedule A (CSO)=\$84,729.38 and Schedule B (Streetscape)=\$141,191.20), authorize payment and direct the Mayor to execute Pay App No. 3. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Kerns and Bowman. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 G

Chris Koenig, HDR presented the options available for the Main Street Corridor Improvement Project Storm Sewer repair/replacement on a portion of Main Street. After reviewing Options A through F, Mr. Koenig recommended Option E (construct one storm sewer on the south side of Main Street and fill the compromised existing storm sewer on the north side of Main Street with either sand or a flowable fill) as a solution to the Storm Sewer situation on a portion of Main Street. Koenig also indicated that the council may want to consider allowing the contractor to work into the winter months so as to keep the project as close to the targeted completion date as possible with the current unforeseen situation. Erv Portis, City Administrator stated that he has been in contact with Tom Fuenning, NDEQ and Mr. Fuenning has indicated that we would be able to do a loan amendment to fund Schedule A. Also, Portis stated that there are CDBG (Economic Development) monies available for funding Schedule B. Motion by Tilson, seconded by Bowman to approve Option E (construct one storm sewer on the south side of Main Street and fill the compromised existing storm sewer on the north side of Main Street with either sand or a flowable fill) and direct HDR to proceed with design engineering for Option E. Council Member Jenkins stated that he would prefer a flowable fill over sand in the filling of the north Storm sewer. ROLL CALL: Yes-Derby, Kerns, Bowman, Tilson Wassinger, Jenkins and Tesarek. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:43 p.m. with regard to an application submitted by the Plattsmouth Community Schools for a special use permit for primary and secondary education in a GC (General Commercial) district on property located west of Plattsmouth High School, 15508 2nd Avenue, legally described as Plattsmouth Outlots, PT DB 147, P465, Northwest 1/4 , 24-12-13 (&.63a). Richard Hasty, Superintendent of the Plattsmouth Community Schools spoke in favor of the application. Kevin Larson, City Inspector, for the record, presented the Planning Commission Agenda and Minutes from the September 16, 2010 meeting; Inspector report regarding the Special Use Permit; and the Application as amended. The Mayor closed the public hearing at 8:03 p.m.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 8:03 p.m. with regard to an amendment to the Land Development Ordinance for the City of Plattsmouth, Article 5-7 Floodplain/Floodway Overlay District. Kevin Larson, City Inspector presented the current map and reviewed the new maps; presented the Flood Insurance Study; and the 6 panels for the Fema

Flood Insurance Maps. Larson stated that the state now requires that the New Floodplain/Floodway Overlay District Maps be formally approved at the local level. The Mayor closed the public hearing at 8:07 p.m.

ITEM 9 C

Motion by Jenkins, seconded by Derby to approve the application submitted by the Plattsmouth Community Schools for a special use permit for primary and secondary education in a GC (General Commercial) district on property located west of Plattsmouth High School, 15508 2nd Avenue, legally described as Plattsmouth Outlots, PT DB 147, P465, Northwest 1/4 , 24-12-13 (&.63a). Council Member Kerns stated that due to a conflict he would be abstaining from any discussion or action regarding the above listed item. Council Member Bowman stated that City Inspector Kevin Larson recommended in his report that a traffic study should be done. Council Member Jenkins amended his original motion to include: contingent upon the completion of a traffic study. Council Member Derby seconded the amended motion. After further discussion, Council Member Derby withdrew his second. Mayor Lambert called for a second and for lack of a second on the motion: approve the application submitted by the Plattsmouth Community Schools for a special use permit for primary and secondary education in a GC (General Commercial) district on property located west of Plattsmouth High School, 15508 2nd Avenue, legally described as Plattsmouth Outlots, PT DB 147, P465, Northwest 1/4 , 24-12-13 (&.63a) contingent upon the completion of a traffic study said motion died. Motion by Bowman, seconded by Derby to post pone any action regarding the application submitted by the Plattsmouth Community Schools for a special use permit for primary and secondary education in a GC (General Commercial) district on property located west of Plattsmouth High School, 15508 2nd Avenue, legally described as Plattsmouth Outlots, PT DB 147, P465, Northwest 1/4 , 24-12-13 (&.63a) until a traffic study has been complete at the applicants expense. After further discussion, Mayor Lambert called for ROLL CALL: Yes-Jenkins, Tesarek, Derby, Bowman, Tilson and Wassinger. No-None. Absent-Porter. Abstain-Kerns. MOTION CARRIED.

ITEM 9 D

Council Member Wassinger introduced an ordinance numbered and titled as follows: Ordinance No. 1819: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND PARAGRAPHS C1B(1) AND C2 OF SECTION 5-7 OF ARTICLE FIVE, SUBDIVISION CHAPTER, OF THE LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PLATTSMOUTH, AUGUST 2006, BY DELETING THE SAME IN ITS ENTIRETY AND SUBSTITUTING THE FOLLOWING AS IT RELATES TO THE FLOOD INSURANCE RATE MAPS AND FLOOD BOUNDARY AND FLOODWAY MAP DATED NOVEMBER 26, 2010; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Tilson that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1819 be adopted on first reading by title only. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Kerns, Bowman and Tilson. No-None. Absent-Porter. 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 Tilson. ROLL CALL: Yes-Tesarek, Derby, Kerns,

Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Porter. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 E

Motion by Wassinger, seconded by Jenkins to approve the Nebraska Department of Roads Maintenance Agreement No. 21 Renewal and direct the Mayor to execute the agreement. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Kerns. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Wassinger, seconded by Derby to approve the termination of the Agreement between the City of Plattsmouth and EMS Billing Services executed on November 17, 2008 and which expired on November 17, 2009, providing notice not less than 30 days but not more than 60 days prior to the date of termination. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Kerns, seconded by Bowman to approve the Nebraska City of the First Class Federal Highway Transportation Funding Agreement naming the City Administrator as the City's Voting Representative and direct the Mayor to execute the agreement. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 J

Motion by Kerns, seconded by Jenkins to approve the appointment of Molly Chestnut as a New Probationary Member of the Plattsmouth Volunteer Fire Department. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Kerns and Bowman. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 K

Motion by Wassinger, seconded by Derby to approve the appointment of Justin Meneses as a New Probationary Member of the Plattsmouth Volunteer Fire Department. ROLL CALL: Yes-Derby, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 9 L

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

ITEM 9 M

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

ITEM 10-STREETS AND ALLEYS

Mike Bowman, Streets and Alleys Committee Chairman stated that he had a request to consider placing a Stop Sign at South 4th Street at 3rd Avenue and 4th Avenue-possibly a stop sign south bound and a yield sign for north bound traffic. Bowman asked that all council members review the situation.

ITEM 9 N

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the public interest with regard to negotiations related to a redevelopment agreement with Westside Development LLC in regard to real estate legally described as Lots 2 through 9 Westside Commercial Subdivision as surveyed, platted and recorded in Cass County, Nebraska. 8:28 p.m. Motion by Wassinger, seconded by Tesarek to convene to Executive Session to protect the public interest with regard to negotiations related to a redevelopment agreement with Westside Development LLC in regard to real estate legally described as Lots 2 through 9 Westside Commercial Subdivision as surveyed, platted and recorded in Cass County, Nebraska. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-Porter. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Executive Session was to protect the public interest with regard to negotiations related to a redevelopment agreement with Westside Development LLC in regard to real estate legally described as Lots 2 through 9 Westside Commercial Subdivision as surveyed, platted and recorded in Cass County, Nebraska.

9:30 p.m. Motion by Jenkins, seconded by Tesarek to reconvene in to regular session. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Kerns and Bowman. No-None. Absent-Porter. Abstain-None. MOTION CARRIED.

ITEM 13

9:31 p.m. Motion by Tesarek, seconded by Jenkins to adjourn. On a voice vote, MOTION CARRIED.

/s/Ruth K. Wassinger, President
Plattsmouth City Council

ATTEST:

/s/Sandra J. Meyer, City Clerk