

PLATTSMOUTH CITY COUNCIL
November 15, 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 November 15, 2010 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, 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:

No one spoke at Citizen Delegation.

ITEM 6-MAYOR PROCLAMATION

There were no Mayoral Proclamations

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of November 1, 2010 City Council Meeting Minutes
- B Consider the request of Beckie Vermuele, Plattsmouth Community Center Program Director, to waive the \$30.00 new member joining fee during Member Appreciation Week, January 10, 2011 through January 16, 2011
- C Consider approval of claims

Council Member Kerns stated that he would be abstaining from any discussion or action for Item 7 as his company, Kerns Excavating Co., does have a claim to be considered.

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 11/05/2010 not Net as before.
General Admin 12,871.22

Humane 1,112.80
Police 30,662.88
Street 10,465.96
Public Library 4,948.27
Parks 1,232.00
Oakhill Cemetery 1,425.76
Community Center 8,571.60
Senior Center 2,001.88
Pool 0
Sewer 4,4451.83
Water 7,470.43
Rescue 2,826.67
TOTAL SALARIES 88,041.30

VARIOUS

BLUE CROSS BLUE SHIELD 34,878.49
CINTAS CORPORATION #749 17.76
FIDELITY SECURITY LIFE I 222.64
MUTUAL OF OMAHA 578.10
NEBRASKA DEPT OF REVENUE 1,659.34
PLATTSMOUTH STATE BANK 1,264.60

GENERAL ADMINISTRATION

BLACK HILLS ENERGY 115.97
CASS COUNTY REGISTER OF 6.50
DOUG DUEY 100.00
EGAN SUPPLY CO 26.06
MICROFILM IMAGING SYSTEM 90.00
MULLENAX AUTO SUPPLY 47.45
NEBRASKA PUBLIC POWER DI 289.28
PAPILLION SANITATION 48.50
PAYFLEX 30.20
PAYLESS OFFICE PRODUCTS 76.81
THE COLUMBUS TELEGRAM 609.59
WINDSTREAM 303.58
WIREBUILT CO 1,410.00

HUMANE/CODE ENFORCEMENT

J P COOKE COMPANY 101.79
LAMBERT VET SUPPLY 93.42
NEBRASKA PUBLIC POWER DI 44.99
PLATTSMOUTH ANIMAL HOSPI 108.00
QUALITY SIGNS 125.00

POLICE

BELLEVUE ANIMAL HOSPITAL 216.75
COMPUTERS TO GO 78.00
GE CAPITAL 639.00
LINDER TIRE & AUTO INC 150.50
METHODIST HOSPITAL 350.00
MULLENAX AUTO SUPPLY 100.45
OCE IMAGISTICS 105.75
PAYFLEX 38.12

TILSON AUTOMOTIVE	529.48
TINCHER FORD-MERCURY INC	243.31
WINDSTREAM	336.68
STREET	
BARNES DISTRIBUTION	195.75
CINTAS CORPORATION #749	290.70
EGAN SUPPLY CO	59.07
FASTENAL COMPANY	38.58
HIGGINS HARDWARE	21.40
M & M CONSTRUCTION INC	1,000.00
MARTIN MARIETTA AGGREGAT	381.02
MICHAEL TODD & COMPANY I	225.05
MULLENAX AUTO SUPPLY	1,499.51
NEBRASKA PUBLIC POWER DI	5,522.65
PALFLEET TRUCK EQUIP	1,813.84
PAPILLION SANITATION	117.66
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	55.43
PLATTSMOUTH READY MIX IN	463.25
SAFETY-KLEEN CORPORATION	298.56
TINCHER FORD-MERCURY INC	1,358.09
WICK'S STERLING TRUCKS I	701.74
WINDSTREAM	104.29
PUBLIC LIBRARY	
BARBARA MILLER	47.00
BLACK HILLS ENERGY	30.96
CHARTER BUSINESS	40.00
EVIS ZAMORA	19.50
FIRST BANKCARD	726.40
LINCOLN JOURNAL-STAR	292.76
PAYFLEX	7.92
UNIVERSAL MEDIA CORP	291.87
WINDSTREAM	118.09
PARK & RECREATION	
HIGGINS HARDWARE	9.58
JOHN DEERE CREDIT	1,559.55
MIDWEST RADIATOR LLC	289.00
MULLENAX AUTO SUPPLY	73.97
NEBRASKA PUBLIC POWER DI	246.16
PAPILLION SANITATION	84.24
THE COLUMBUS TELEGRAM	13.46
WINDSTREAM	49.74
CEMETERY	
BLACK HILLS ENERGY	18.60
PANKONIN'S INC	452.31
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	18.97
WINDSTREAM	74.20
FIRE DEPARTMENT	
BLACK HILLS ENERGY	18.51

WINDSTREAM	108.03
SENIOR CITIZEN CENTER	
EGAN SUPPLY CO	86.04
FOUR STAR LAUNDRY	.18
NEBRASKA PUBLIC POWER DI	511.60
PAYLESS OFFICE PRODUCTS	25.99
SHORT STOP	109.07
STEUBE'S THRIFTWAY	229.72
THE THOMPSON COMPANY	4,216.43
WINDSTREAM	115.47
COMMUNITY CENTER	
ANEGLA MARIA KECHA	75.00
BETTINA MOSLEY	200.00
BLUE DEVIL K-LAWN	1,710.40
CAITLYN HANZIK	54.38
CHARTER BUSINESS	85.80
CIT TECHNOLOGY	156.85
DEBBIE BAGGENSTOSS	100.00
DIANNE POGREBA	175.00
DONNA HOLMES	50.00
EGAN SUPPLY CO	212.61
ELIZABETH VAN WASSENHOVE	45.00
FOUR STAR LAUNDRY	68.75
KAREN MOREHEAD	200.00
KELLEY SCANLAN	75.00
KRIZ DAVIS CO	149.52
MARY HOLLY ALLEN	50.00
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	75.00
NEBRASKA PUBLIC POWER DI	4,604.43
PAPILLION SANITATION	87.41
PAYLESS OFFICE PRODUCTS	122.72
ROXANNE DOLECKI	50.00
SARAH ASCHENBRENNER	75.00
SAM'S	75.27
SHARI BARRIES	180.00
THOMAS WOODS	975.00
WINDSTREAM	346.41
AQUATIC	
NEBRASKA PUBLIC POWER DI	71.94
PAPILLION SANITATION	115.44
ECONOMIC DEVELOPMENT	
KASS KOUNTY KING KORN KL	1,000.00
EMS	
BLACK HILLS ENERGY	18.50
EMS BILLING SERVICES INC	1,676.95
FIRESTONE COMPLETE AUTO	488.41
IDEAL PURE WATER	46.95
LIFE-ASSIST INC	363.35
LINWELD	283.40

MIDLANDS HOSPITAL	390.00
WINDSTREAM	108.02
WATER	
GREAT PLAINS ONE CALL SE	56.89
HACH COMPANY	328.28
HAWKINS INC	1,550.32
HD SUPPLY WATERWORKS LTD	459.29
LANDFELDT OVERHEAD DOOR	188.00
NEBRASKA PUBLIC POWER DI	6,391.17
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	57.84
ROD JENKINS	200.06
THE COLUMBUS TELEGRAM	70.00
UTILITY EQUIPMENT COMPAN	155.98
WATER DEPARTMENT-PETTY C	513.43
WINDSTREAM	149.81

SEWER	
BLUE CROSS BLUE SHIELD	2,425.76
MUTUAL OF OMAHA	18.96
BLACK HILLS ENERGY	479.21
FASTENAL COMPANY	11.02
GREAT PLAINS ONE CALL SE	56.88
KERNS	52,035.75
MULLENAX AUTO SUPPLY	97.33
NEBRASKA PUBLIC POWER DI	1,342.68
PAMIDA DISCOUNT CENTER	52.60
PAPILLION SANITATION	22.98
PAYLESS OFFICE PRODUCTS	28.98
RAILROAD MANAGEMENT COMP	500.00
THE COLUMBUS TELEGRAM	25.26
WINDSTREAM	66.26

Total Claims 155,953.16

Total Salaries and Claims 243,994.46

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Bowman introduced a Resolution numbered and titled:

RESOLUTION NO. 10-026: A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES

Motion by Bowman, seconded by Wassinger to adopt Resolution No. 10-026:

RESOLUTION NO. 10-026

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES

BE IT RESOLVED by the City Council, City of Plattsmouth, Nebraska, that:

1. The City shall enter into an Agreement with the Nebraska Department of Roads for the purpose of defining responsibilities in meeting the National Bridge Inspection Standards;
2. The Mayor is hereby authorized and directed to execute said agreement on Behalf of the City of Plattsmouth, and the City Clerk is authorized to attest said execution; and
3. This resolution will be marked Exhibit "A" and a copy attached to each original agreement.

PASSED AND APPROVED THE 15th DAY OF November, 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 9-NEW BUSINESS

ITEM 9 A

Motion by Bowman, seconded by Porter to approve Task Order No. 2 for East Main Street Storm Sewer Investigation and Recommendation with HDR Inc. at a not to exceed amount of \$5,500.00 and direct the Mayor to execute Task Order No. 2. After discussion, ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:06 p.m. with regard to a request by D & W Land Co. for a special use permit for Auto Body Repair in a GC (General

Commercial) Zoning District on property located at 1502 S. 15th Street, legally described as Plattsmouth, D & W Subdivision Lot 1 (.25a). No one spoke in favor or opposition to the request. The Mayor closed the public hearing at 7:08 p.m.

ITEM 9 C

Motion by Porter, seconded by Jenkins to direct the preparation of a resolution granting a special use permit for Auto Body Repair in a GC (General Commercial) Zoning District on property located at 1502 S. 15th Street, legally described as Plattsmouth, D & W Subdivision Lot 1 (.25a) once the recommendations of the Planning Commission have been satisfied. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D and 9 E

No action was taken due to an error in the Application for a Special Use Permit.

ITEM 9 F

Pursuant to publication, the Mayor opened the public hearing at 7:15 p.m. regarding use of Community Development Block Grant (CDBG) Reuse and other economic development funds for public infrastructure and other work necessary to downtown revitalization. No one spoke at the public hearing so the Mayor closed the public hearing at 7:17 p.m.

ITEM 9 G

Motion by Porter, seconded by Bowman to direct the preparation of a resolution authorizing the use of Community Development Block Grant (CDBG) Reuse and other economic development funds for public infrastructure and other work necessary to downtown revitalization. There was discussion on the clarification of the use of CDBG Funds for this project. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Tesarek, Derby and Porter. No-Jenkins. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

City Administrator Erv Portis referenced his memorandum from the Council packet stating that we presently have several cafes in the Main Street area and we have no established process for locating and permitting sidewalk cafes so he felt that this was a way to start the discussion to create standards and minimize the City liability with regard to sidewalk cafes. Portis stated that he does have guidelines from various communities and if there is an interest he could put together a draft for the council. Motion by Wassinger, seconded by Tilson to direct the City Administrator to prepare a draft ordinance for council consideration. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 I

Mayor Lambert stated that contracting with one waste hauler for the entire city is a matter of public safety and also would save the wear and tear on the streets. The mayor also stated that by contracting most likely curbside recycling would also be available. Council Member Bowman stated that one waste hauler within the city is a worthwhile proposal and it would then give the citizens a point of contact when/if there are problems. Council Member Tilson stated that citizens have expressed to him that they prefer to select the service of their choice. Council Member Derby stated that he spoke to one vendor and they indicated that if they were to be awarded a contract for the entire city that the rates would be lower. Council Member Wassinger inquired as to the availability of data as to who is the hauler of choice within the city. Motion by Porter to continue discussion regarding a single waste hauler. Council Member Wassinger felt that with the media present that maybe they could get the word out to the citizens and they could direct their input to either Council Members or City Hall. After further discussion, the mayor deemed the motion dead for lack of a second.

ITEM 9 J

Motion by Wassinger, seconded by Tesarek to give a favorable recommendation to the Nebraska Liquor Control Commission with regard to a Manager Application for John Vanek in connection with Eagles Fraternal Order #365, 209 South 23rd Street, Plattsmouth, Nebraska. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 K

Motion by Wassinger, seconded by Derby to approve an Agreement with Alley Poyner Macchietto Architecture to conduct a survey of the existing community structures and evaluate the structures for historic quality and relevance for the purpose of identifying structures worthy of landmark status (Phase I) at a cost not to exceed \$9,999.00, and authorize the Mayor to execute the Agreement. Bowman inquired if this would be primarily downtown and Portis stated that it would also go in to the neighborhoods. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 L

Council Member Kerns stated that he would be abstaining from any discussion or action regarding Item 9 L as the company that he is president of, Kerns Excavating Co. is a bidder. Council Member Kerns exited the Council Chambers.

City Administrator Erv Portis stated that Bid Notices for Snow Hauling were delivered/sent to five local contractors and one bid was received. The one bid received was publicly opened at City Hall on Monday, November 15, 2010 at 6:30 p.m. The one bid was from Kerns Excavating

Co. in the amount of \$65.00 an hour per truck with driver and that the contractor has three (3) tandem axel dump trucks available.

Motion by Bowman, seconded by Jenkins to award the Snow Hauling Contract to Kerns Excavating Co. for \$65.00 an hour per truck with driver from November 16, 2010 through May 1, 2011. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent and abstaining-Kerns. MOTION CARRIED.

ITEM 10 STREETS AND ALLEYS

Mike Bowman, Committee Chair had nothing to report.

ITEM 13

7:53 p.m. Motion by Jenkins, seconded by Tesarek to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk