

PLATTSMOUTH CITY COUNCIL

July 18, 2011

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:15 o'clock p.m. on July 18, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Mike Bowman, Terry D. Tilson, Steve Riese, Art Tesarek and Doug Derby. Council Members Absent: Pat Dugan. Also present: City Administrator Ervin 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 4-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 5-MAYORAL PROCLAMATIONS

ITEM 5 A

Mayor Lambert proclaimed August 6, 2011 as Forget-Me-Not Day in the City of Plattsmouth, Nebraska

ITEM 6-CONSENT AGENDA:

Motion by Derby, seconded by Tesarek to approve the consent agenda as listed:

- A Consider approval of July 5, 2011 City Council Meeting Minutes
- B Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 7/05/2011 not Net as before  
General Admin 12,871.22  
Humane 1,112.80  
Police 27,881.85  
Street 12,034.79  
Public Library 6,280.49  
Parks 2,484.00

Oakhill Cemetery 1,409.28  
 Community Center 8,258.40  
 Senior Center 1,836.20  
 Pool 8,637.70  
 Sewer 6,532.98  
 Water 11,385.10  
 EMS 2,801.54  
 TOTAL SALARIES 103,526.35

Various

CINTAS CORPORATION #749 18.60  
 Shell 5839.07  
 Ne Dept of Rev 4600.80  
 Fidelity Security 246.12  
 Payflex 100.00  
 The Columbus Telegram 955.22  
 The Union Central 33.41  
 United States Life 121.61

GENERAL ADMINISTRATION

BELLINO FIREWORKS INC 1,000.00  
 BLACK HILLS ENERGY 124.83  
 BRIAN STEFFY 1,000.00  
 BRONSON FAMILY FIREWORKS 1,000.00  
 CHARTER BUSINESS 40.00  
 CITY TREASURER-Reimburse Petty Cash Cert Mail 53.40  
 EGAN SUPPLY CO 52.89  
 ERIC CLAUSON 1,000.00  
 GENE MEIER- GEMCO INC 1,000.00  
 HIGGINS HARDWARE 14.58  
 HOMETOWN FIREWORKS INC 1,000.00  
 KA-BOOMERS DBA 1/2 PRICE 1,000.00  
 KATHRYN SHARP 100.00  
 MICROFILM IMAGING SYSTEM 90.00  
 MULLENAX AUTO SUPPLY 11.75  
 NEBRASKA DEPARTMENT OF R 1,000.00  
 NEBRASKA PUBLIC POWER DI 501.20  
 PAVILLION SANITATION 48.50  
 PAYLESS OFFICE PRODUCTS 3.57  
 SCHNEIDER AGENCY 35,358.00  
 THE COLUMBUS TELEGRAM 464.00  
 WINDSTREAM 268.04  
 WIREBUILT CO 137.50

HUMANE/CODE ENFORCEMENT

LAMBERT VET SUPPLY 185.98  
 MULLENAX AUTO SUPPLY 10.67  
 NEBRASKA PUBLIC POWER DI 103.44  
 PLATTSMOUTH ANIMAL HOSPI 135.00

POLICE

GE CAPITAL 639.00

KAHLER CONSTRUCTION	3,353.00
KBY CONSTRUCTION INC	1,115.00
MJN INC	2,500.00
MULLENAX AUTO SUPPLY	343.88
PAMIDA DISCOUNT CENTER	16.99
PAYLESS OFFICE PRODUCTS	3.57
PITNEY BOWES	150.36
WINDSTREAM	341.49
STREET	
BARNES DISTRIBUTION	229.79
CINTAS CORPORATION #749	237.40
EGAN SUPPLY CO	82.84
FASTENAL COMPANY	85.73
HIGGINS HARDWARE	17.99
MEESKE ACE HARDWARE	47.98
MULLENAX AUTO SUPPLY	452.61
NEBRASKA PUBLIC POWER DI	6,631.64
PAPILLION SANITATION	117.66
ROSE EQUIPMENT INC	294.45
STANDARD DIGITAL IMAGING	28.80
WINDSTREAM	104.03
PUBLIC LIBRARY	
AUDIO EDITIONS	8.00
BAKER & TAYLOR BOOKS	543.40
BIBLIOTHECA INC	1,035.00
BLACK HILLS ENERGY	21.31
CENTER POINT LARGE PRINT	213.90
EGAN SUPPLY CO	18.71
MICROFILM IMAGING SYSTEM	380.00
POLARIS LIBRARY SYSTEMS	8,626.20
TODD TROST	136.00
USI EDUCATION AND GOVERN	34.99
WINDSTREAM	117.67
PARK & RECREATION	
FASTENAL COMPANY	63.31
HIGGINS HARDWARE	97.44
JOHN DEERE CREDIT	157.47
MULLENAX AUTO SUPPLY	156.28
NEBRASKA PUBLIC POWER DI	214.35
PAPILLION SANITATION	95.35
RHYLANDER WELDING & MFG	5,375.00
WINDSTREAM	50.88
CEMETERY	
BLACK HILLS ENERGY	18.60
PANKONIN'S INC	164.55
WINDSTREAM	73.93
FIRE DEPARTMENT	
BLACK HILLS ENERGY	17.30
IDEAL PURE WATER	52.17
KATHRYN SHARP	200.00

WINDSTREAM	101.79
SENIOR CITIZEN CENTER	
PAYLESS OFFICE PRODUCTS	3.57
STEUBE'S THRIFTWAY	247.61
THE THOMPSON COMPANY	6,089.13
Windstream	106.38
Short Stop	169.71
ALLISON WELCH	150.00
AMANDA MISER	50.00
CI SOLUTIONS	557.96
DEBBIE BAGGENSTOSS	100.00
DIANA L. POGREBA	75.00
EGAN SUPPLY CO	249.84
HIGGINS HARDWARE	7.99
KAREN MOREHEAD	225.00
KELLEY SCANLAN	75.00
MAIN STREET JEWELERS	68.11
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	75.00
PAPILLION SANITATION	95.28
PAYLESS OFFICE PRODUCTS	3.58
SARAH ASCHENBRENNER	75.00
SHARI BARRIOS	90.00
THOMAS WOODS	937.50
Windstream	319.13
AQUATIC	
AQUA CHEM INC	659.51
BOMGAARS SUPPLY	32.99
HIGGINS HARDWARE	12.52
JOHN'S APPLIANCE	79.00
NEBRASKA PUBLIC POWER DI	1,926.90
PAPILLION SANITATION	119.88
PEPSI COLA	684.10
SAM'S	157.34
THE THOMPSON COMPANY	4,884.71
WINDSTREAM	38.47
Economic Dev	
Plattsmouth Main Street Assoc	3200
EMS	
BLACK HILLS ENERGY	17.30
DAVID COOMBS	539.04
HIGGINS HARDWARE	12.98
IDEAL PURE WATER	52.17
KATHRYN SHARP	200.00
LIFE-ASSIST INC	788.83
LINWELD	78.59
MATHESON TRI-GAS INC	207.40
MICHAEL WOOD	198.50
MULLENAX AUTO SUPPLY	255.36
PAMIDA DISCOUNT CENTER	25.79

WINDSTREAM	101.78
ZOLL MEDICAL CORPORATION	1,818.55
WATER	
BLACK HILLS ENERGY	15.91
CUMMINS CENTRAL POWER	872.89
ECHO GROUP INC	109.65
FASTENAL COMPANY	39.56
FIRST BANKCARD	31.01
GRAINGER	1,356.30
GREAT PLAINS ONE CALL SE	58.44
HIGGINS HARDWARE	22.00
JOHNSTON SUPPLY	85.80
KEVIN LARSON	24.50
MEESKE ACE HARDWARE	18.95
MISSISSIPPI LIME COMPANY	5,145.00
MUNICIPAL SUPPLY INC	416.69
NEBRASKA PUBLIC POWER DI	5,503.20
NMC EXCHANGE LLC	118.43
O'REILLY AUTOMOTIVE INC	34.27
PAMIDA DISCOUNT CENTER	90.12
PAYLESS OFFICE PRODUCTS	16.11
SCHNEIDER AGENCY	14,143.20
TMC	1,102.38
UTILITY EQUIPMENT COMPAN	3,397.27
WATER DEPARTMENT-PETTY C	461.70
WHITE CAP CONSTRUCTION S	60.24
WINDSTREAM	172.51
SEWER	
CITY TREASURER-Reimburse Petty Cash Flood	71.55
DPC INDUSTRIES INC	1,136.63
FIRST BANKCARD	276.00
GENE'S SERVICE & SPORTS	24.99
HIGGINS HARDWARE	61.56
IOWA PRISON INDUSTRIES	221.76
LYMAN RICHEY SAND & GRAV	572.76
MEESKE ACE HARDWARE	46.40
NEBRASKA PUBLIC POWER DI	2,594.87
NMC EXCHANGE LLC	4,120.00
NO FRILLS SUPERMARKET	18.92
PAMIDA DISCOUNT CENTER	119.55
PAPILLION SANITATION	139.30
PROFESSIONAL WASTE WATER	210.00
SCHNEIDER AGENCY	9,428.80
STEUBE'S THRIFTWAY	441.69
WATER DEPARTMENT-PETTY C	20.00
WINDSTREAM	66.74
DRUG FORFEITURE	
COMPUTERS TO GO	414.94
CSO PROJECT (CLEAN WATER SRF)	
CASS COUNTY REGISTER OF	10.50

HDR ENGINEERING INC	13,817.61
.05% SALES TAX STREET/SIDE MAINT	
HDR ENGINEERING INC	13,036.25
.05% SALES TX ST/SIDE MAINT DEBT	
PLATTSMOUTH STATE BANK	14,430.00
Total Claims	214,370.44
Total Salaries and Claims	317,896.79

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

#### ITEM 7-UNFINISHED BUSINESS

##### ITEM 7 A

Steve Perry and James Olmsted-Olmsted & Perry Consulting Inc. reviewed the background on the current Water and Sewer Impact Fee Policy and presented four (4) alternatives for modification to the Impact Fee Policy for the City of Plattsmouth. City Administrator Erv Portis, Public Works Director Gary Hellwig, Steve Perry and James Olmsted will review the alternatives and draft an ordinance setting out the Water and Sewer Impact Fee Policy which will be presented to council at a future meeting.

##### ITEM 7 B

Pursuant to publication the Mayor opened a public hearing at 7:40 p.m. to receive public input with respect to the redevelopment plan Entitled "REDEVELOPMENT PLAN PLATTSMOUTH PLAZA REDEVELOPMENT AREA" which has been prepared for the redevelopment of the following described real estate: Lots 2 through 9, inclusive, Westside Commercial Addition to the City of Plattsmouth, Cass County, Nebraska, as surveyed, platted and recorded (the "Project Area"). The outer boundaries of the Project Area coincides with the outer boundaries of said real estate but also include the dedicated streets and roads bordering upon such lots. Said plan provided for the Project Area to be redeveloped by the development of commercial properties (including retail and office). Grant assistance from the City's Community Development Agency, financed by the issuance of tax increment revenue bonds of the City's Community Development Agency, is proposed to be applied to pay a portion of the costs of such project, including public improvements and grants in aid of construction. Mike Bacon, an attorney representing Mr. Pieper and Mr. Willey offered four (4) documents for the record: 1-Redevelopment Plan Plattsmouth Plaza Redevelopment Area 2011; 2-City of Plattsmouth Westside Commercial Addition TIF Statutory Requirement Report; 3-Plattsmouth Planning Commission Special Meeting July 14, 2011 minutes (not yet approved); 4-Plattsmouth Community Development Agency Resolution No. CDA-001. Mr. Bacon stated that there are serious negotiations with possible occupants and recommended approval of the redevelopment plan. No one else spoke in favor of or opposition to the Redevelopment Plan Plattsmouth Plaza Redevelopment Area. Mayor Lambert closed the public hearing at 7:44 p.m.

##### ITEM 7 C

Council Member Tilson introduced a resolution numbered and titled: RESOLUTION NO. 11-021: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED “REDEVELOPMENT PLAN PLATTSMOUTH PLAZA REDEVELOPMENT AREA”.

Motion by Tilson, seconded by Porter to adopt Resolution No. 11-021:

**RESOLUTION NO. 11-021**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, APPROVING A REDEVELOPMENT PLAN ENTITLED “REDEVELOPMENT PLAN PLATTSMOUTH PLAZA REDEVELOPMENT AREA”.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, as follows:

Section 1. The Mayor and Council of the City of Plattsmouth, Nebraska, hereby find and determine that the Mayor and Council have by a resolution passed and approved on November 1, 2010, declared certain real estate within and adjacent to the City to be blighted and substandard after review by the City’s Planning Commission and published notice of hearing and public hearing as required by law (such area, as so determined, the “Blighted and Substandard Area”).

Section 2. The Mayor and Council further find and determine that the redevelopment plan entitled “REDEVELOPMENT PLAN PLATTSMOUTH PLAZA REDEVELOPMENT AREA” (the “Plan”) relating to a certain portion of the Blighted and Substandard Area has been submitted to the Planning Commission of the City of Plattsmouth, Nebraska (the “Planning Commission”), for review and recommendations and that the Planning Commission has approved the Plan in the final form submitted without any recommendation for change.

Section 3. The Mayor and Council further find and determine that the Community Development Agency of the City of Plattsmouth considered whether the proposed land uses and building requirements in the redevelopment project area (defined and referred to in the Plan as the “Project Area”; herein also referred to as the “Project Area”) are designed with the general purpose of accomplishing, in conformance with the City’s general plan, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds and the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or conditions of blight.

Section 4. The Mayor and Council further find and determine that a cost-benefit analysis has been conducted as set forth in that certain report entitled “City of Plattsmouth Westside Commercial Addition TIF Statutory Requirement Report” which has been supplemented by additional information provided by the City Administrator (such report, as supplemented, the “Cost Benefit Analysis”), relating to the Plan, which Cost Benefit Analysis has been approved by the Community Development Agency of the City of Plattsmouth.

Section 5. The Mayor and Council further find and determine that the Community Development Agency has recommended that the Mayor and City Council adopt the Plan. In connection with such recommendation, the Agency reported to the Mayor and City Council that the proposed method and estimated cost of the acquisition and preparation for redevelopment of the Project Area and the estimated proceeds or revenue from the Project Area's disposal to redevelopers, if any; and a statement of the proposed method of financing the redevelopment project is set forth in the Plan and that further it has been stated to the Mayor and City Council that there will be no families displaced from the Project Area.

Section 6. The Mayor and Council further find and determine that a public hearing was held, after notice of such public hearing was provided as required by Section 18-2115, R.R.S. Neb. 2007, whereby all persons desiring to be heard as to whether the Plan should be approved have been heard.

Section 7. Based upon the recommendation of the Community Development Agency and analysis and review of the Plan, the Mayor and Council hereby find (1) that the Plan is feasible and in conformity with the general plan for the development of the City as a whole and the Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law and (2) that (a) the redevelopment project in the Plan (the "Project") would not be economically feasible without the use of tax-increment financing, (b) the Project would not occur in the Project Area without the use of tax-increment financing, and (c) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the Project.

Section 8. The Mayor and Council hereby approve the Plan, provided that the Plan shall not be implemented until the annexation of all properties within the Project Area has become effective.

PASSED AND APPROVED this 18th day of July, 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Roger Johnson, City Attorney read Resolution No. 11-021 in to the record. ROLL CALL: Yes-Riese, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-Dugan. Abstain-None. MOTION CARRIED.

ITEM 7 D

Motion by Bowman, seconded by Porter to approve a conditional grant agreement with D-Squared, LLC and Vireo Resources, LLC, for a grant of land to D-Squared, LLC, to wit: the North 547.25 Feet of Sublot 1 of Lot 1, Fourmile Industrial Park, City of Plattsmouth, Cass County, Nebraska, for the purpose of constructing a building to be leased to Vireo Resources, LLC, for the expansion of its operations and the creation of additional jobs. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman and Riese. No-Tilson. Absent-Dugan. Abstain-None. MOTION CARRIED.

ITEM 7 E

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance



No. 1829: AN ORDINANCE DIRECTING THE CONVEYANCE OF REAL ESTATE TO D-SQUARED, LLC, TO WIT: THE NORTH 547.25 FEET OF SUBLOT 1 OF LOT 1, FOURMILE INDUSTRIAL SITE, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA; ESTABLISHING THE MANNER AND TERMS OF SUCH CONVEYANCE; PROVIDING FOR PUBLICATION OF NOTICE OF SALE AND OF REMONSTRANCE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE. Motion by Bowman, seconded by Kerns that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1829 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Riese and Tesarek. No-Tilson. Absent-Dugan. 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 Riese. ROLL CALL: Yes-Riese, Tesarek, Derby, Porter, Kerns and Bowman. No-Tilson. Absent-Dugan. Abstain-None. MOTION CARRIED. Said ordinance was read into the record by title only.

ITEM 7 F

Council Member Bowman introduced a resolution numbered and titled: RESOLUTION NO. 11-020: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO PROVIDE FOR NOTICE OF SALE AND CONVEYANCE OF REAL ESTATE, TO WIT: THE NORTH 547.25 FEET OF SUBLOT 1 OF LOT 1, FOUR MILE INDUSTRIAL PARK, A SUBDIVISION OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA.

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-020.

RESOLUTION NO. 11-020

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO PROVIDE FOR NOTICE OF SALE AND CONVEYANCE OF REAL ESTATE, TO WIT: THE NORTH 547.25 FEET OF SUBLOT 1 OF LOT 1, FOUR MILE INDUSTRIAL PARK, A SUBDIVISION OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA.

WHEREAS, the City has approved an economic development application of D-Squared, LLC and a Loan Agreement for the same which proposes the grant of a five acre parcel of real estate described as the north 547.25 feet of Sublot 1 of Lot 1, Four Mile Industrial Park, a Subdivision of the City of Plattsmouth, Cass County, Nebraska pursuant to the terms of the Loan Agreement.

NOW, THEREFORE, BE IT RESOLVED, that notice is required to be given of the proposed sale and transfer of real estate as provided for in Ordinance No. 1829 (the "Ordinance").

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to give notice of the Ordinance and the conveyance as required by law.

Passed and approved this 18<sup>TH</sup> day of July 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney, Roger Johnson read Resolution No. 11-020 in to the record. ROLL CALL: Yes-Kerns, Bowman, Riese, Tesarek, Derby and Porter. No-Tilson. Absent-Dugan. Abstain-None. MOTION CARRIED.

#### ITEM 7 G

Erv Portis, City Administrator stated that he would recommend setting a special meeting on either July 20, 2011 or July 21, 2011 for possible consideration of an Emergency Water Supply Agreement. Motion by Bowman, seconded by Derby to set a Special Meeting of the Plattsmouth City Council for Thursday, July 21, 2011 at 7:00 p.m. at City Hall, 136 North 5<sup>th</sup> Street, Plattsmouth, Nebraska. After discussion, Bowman amended the original motion by changing the start time of the meeting to 7:30 p.m., which amendment to the motion was seconded by Derby. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Riese, Tesarek and Derby. No-None. Absent-Dugan. Abstain-None. MOTION CARRIED.

#### ITEM 7 H

Council Member Bowman, Chair of the Streets and Alleys Committee stated that he feels a petition listing the request to make the paved alley directly to the east of The Barracks from Main Street north to Avenue A one way southbound be circulated to the adjoining property owners for consideration before a recommendation can be made. Bowman recommended a layover of the item until such time as the petition has been circulated. NO ACTION TAKEN.

#### ITEM 8 – NEW BUSINESS

##### ITEM 8 A

City Administrator Erv Portis reviewed the Federal Funds Purchase Program Agreement between the City of Plattsmouth and the Nebraska Department of Roads.

Council Member Riese introduced Resolution No. 11-022: Authorizing the Mayor to sign the attached Federal Funds Purchase Program Agreement between the City of Plattsmouth and the Nebraska Department of Roads.

Motion by Riese, seconded by Derby to adopt Resolution No. 11-022.

### **RESOLUTION NO. 11-022**

### **SIGNING OF THE FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT**

**WHEREAS**, each year the federal government makes available to Nebraska certain federal-aid transportation funds, including funds from the Surface Transportation Program (STP) and the Highway Bridge Program), for use on State and local federal-aid transportation projects; and **WHEREAS**, certain federal-aid STP and HBP funds have historically been made available to the Local Public Agency (LPA) by the State for its use in funding federal-aid projects on the public streets or roads within its jurisdiction; and

**WHEREAS**, LPA and Nebraska Department of Roads (NDOR) wish to enter into an Agreement to provide for the purchase, at a discount, certain federal-aid dollars currently made available to the LPA.

**WHEREAS**, the LPA is interested in selling its available federal-aid funds to the State on the terms and conditions set out in this Agreement, including certain limitations on the use of the cash received by the LPA.

**WHEREAS**, the City Council of the City of Plattsmouth has reviewed the Agreement and has determined that it is in the best interest to enter into the Agreement in the attached form.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PLATTSMOUTH** that the Mayor is hereby authorized to sign the attached Federal Funds Purchase Program Agreement between the City of Plattsmouth and the NDOR.

Adopted this 18<sup>th</sup> day of July, 2011 at Plattsmouth, Cass County, Nebraska.

The City Council of Plattsmouth:

Terry Tilson	Michael Bowman	Terry Kerns	John Porter
Douglas Derby	Arthur Tesarek	Patrick Dugan	Steve Riese
Council Member _____		Moved the adoption of said resolution.	
Council Member _____		Seconded the Motion.	

Roll Call: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Abstained \_\_\_\_\_ Absent

Resolution adopted, signed and billed as adopted.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, Clerk

City Attorney Roger Johnson read Resolution No. 11-022 in to the record. ROLL CALL: Yes-Bowman, Tilson, Riese, Tesarek, Derby, Porter and Kerns. No-None. Absent-Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 B

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest with regard to negotiating an Interlocal Agreement between the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1, and Sanitary and Improvement District No. 5 and a Supplementary Agreement by and among the City of Plattsmouth, Cass County Rural Water District No. 1, and Sanitary and Improvement District No. 5 and Beaver Lake Association to provide Emergency Water Supply. 8:05 p.m. Motion by Riese, seconded by Derby to convene to Closed Session to protect the public interest with regard to negotiating an Interlocal Agreement between the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1, and Sanitary and Improvement District No. 5 and a Supplementary Agreement by and among the City of Plattsmouth, Cass County Rural Water District No. 1, and Sanitary and Improvement District No. 5 and Beaver Lake Association to provide Emergency Water Supply. ROLL CALL: Yes-Tilson,

Riese, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-Dugan. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest with regard to negotiating an Interlocal Agreement between the City of Plattsmouth, Nebraska, Cass County Rural Water District No. 1, and Sanitary and Improvement District No. 5 and a Supplementary Agreement by and among the City of Plattsmouth, Cass County Rural Water District No. 1, and Sanitary and Improvement District No. 5 and Beaver Lake Association to provide Emergency Water Supply.

8:41 p.m. Motion by Riese, seconded by Porter to reconvene in regular session. MOTION CARRIED on a voice vote.

#### ITEM 8 C

Discussion/Action on an Interlocal Agreement and any other options for the provisions of Emergency Water Supply between the City of Plattsmouth, Cass County Rural Water District No. 1 and Sanitary and Improvement District No. 5 was laid over. NO ACTION TAKEN.

#### ITEM 8 D

Discussion/Action on an Agreement by and among the City of Plattsmouth, Cass County Rural Water District No. 1 and Sanitary and Improvement District No. 5 and Beaver Lake Association to provide Emergency Water Supply was laid over. NO ACTION TAKEN.

#### ITEM 9 STREET COMMITTEE

Nothing to report.

#### ITEM 13

8:52 P.M. Motion by Tesarek, seconded by Porter to adjourn. MOTION CARRIED on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk