

PLATTSMOUTH CITY COUNCIL
November 7, 2011

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 7, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John Porter, Terry Kerns, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: None. Council Seat Vacancy: 2nd Ward. 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 5-CITIZEN DELEGATION

Lee Larsen, 20113 72nd Street, Plattsmouth, Nebraska, addressed the Mayor and Council seeking clarification regarding how bids and payment for repairs of damage to his building at 419 Main Street which are alleged to have been sustained as a result of the construction on Main Street. City Administrator Portis confirmed that Graham Construction would have two contractors present bids for the work, that Graham would review the bids, and that upon completion of the repairs the invoices for the work would be submitted to the City for payment.

Charles Jones, Executive Director of the Plattsmouth Main Street Association reviewed the events that have been on Main Street since completion of the CSO/Streetscape project and stated that Sunday, November 13, 2011 a Downtown Summit is scheduled to consider where businesses are going in the future and that anyone was welcome.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7

Mayor Bowman recommended the appointment of Jeanie Brookhouser, 318 South 14th Street, Plattsmouth, Nebraska to fill the vacant 2nd Ward City Council Seat. Motion by Kerns, seconded by Riese to approve the appointment of Jeanie Brookhouser, 318 South 14th Street, Plattsmouth, Nebraska to the vacant 2nd Ward City Council Seat. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby and Kerns. No-Porter. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8

City Attorney Roger Johnson administered the Oath of Office to Jeanie Brookhouser, newly appointed 2nd Ward City Council representative.

ITEM 9-CONSENT AGENDA:

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

- A Consider approval of October 17, 2011 City Council Meeting Minutes
- B Consider approval of the appointment of the following proposed new member to the Plattsmouth Volunteer Fire Department: Harvey Martinez
- C Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 10/21/2011 not Net as before

General Admin 12,639.11
Humane 1,146.40
Police 30,508.06
Street 10,875.82
Public Library 6,620.13
Parks 3,156.00
Oakhill Cemetery 1,375.07
Community Center 8,274.58
Senior Center 1,560.31
Pool
Sewer 5,710.05
Water 5,846.05
EMS 4,936.38
TOTAL SALARIES 92,647.96

Various

Shell 6,172.62
AMERICAN FAMILY LIFE 215.59
D&D 151.90
DELTA DENTAL PLAN 53.55
FIDELITY SECURITY LIFE I 257.44
FRATERNAL ORDER OF POLIC 180.00
MUTUAL OF OMAHA 582.64
PLATTSMOUTH STATE BANK 942.26

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI	197.24
Blue Cross Blue Shield	35,708.72
D & D LASER INC	364.75
DELTA DENTAL PLAN	267.75
EGAN SUPLLY CO	82.30
FIRST BANKCARD	1,005.43
GIS WORKSHOP	2,400.00
J P COOKE COMPANY	33.48
JOHN BAXTER	50.00
KATHRYN SHARP	125.00
NEBRASKA PUBLIC POWER DI	102.94
PAPILLION SANITATION	48.50
PAYFLEX	45.46
PAYLESS OFFICE PRODUCTS	188.28
PITNEY BOWES	1,513.38
PLATTSMOUTH STATE BANK	200.00
The Union Central Life	155.02
SCHNEIDER AGENCY	60.00
VERIZON WIRELESS	11.98
WELLS FARGO FINANCIAL LE	177.49

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	90.55
HEARTS UNITED	150.00
J P COOKE COMPANY	118.96
JOHN'S APPLIANCE	169.00
NEBRASKA PUBLIC POWER DI	35.96
VERIZON WIRELESS	.18

POLICE

Cass County Sheriff	3,509.00
Warga	300
DELTA DENTAL PLAN	692.95
FIRST BANKCARD	155.97
FIRST WATCH INC	40.32
FORD CREDIT DEPT 67-434	7,879.45
GE CAPITAL	639.00
JACK'S UNIFORMS & EQUIPM	2,043.27
KAHLER CONSTRUCTION	1,345.00
PAYFLEX	18.18
PAYLESS OFFICE PRODUCTS	40.61
PITNEY BOWES	100.00
VERIZON WIRELESS	4.83

STREET

ASPHALT & CONCRETE MATER	766.70
BLACK HILLS ENERGY	33.70
BOMGAARS SUPPLY	28.68
DELTA DENTAL PLAN	309.55
INDEPENDENT AUTO REPAIR	72.10
JOHN DEERE CREDIT	349.68
LYMAN RICHEY SAND & GRAV	2,539.03
MICHAEL TODD & COMPANY I	166.52
NEBRASKA PUBLIC POWER DI	1,699.62
NEBRASKA SALT & GRAIN CO	1,391.11
PAPILLION SANITATION	117.66
PAYFLEX	9.09
PLATTSMOUTH READY MIX IN	645.83
QUALITY SIGNS	35.00
ROHAN PHOTOGRAPHY	300.00
U.S. ASPHALT COMPANY	32,744.92
VERIZON WIRELESS	17.74

PUBLIC LIBRARY

BAKER & TAYLOR BOOKS	397.44
BARBARA MILLER	62.00
CENTER POINT LARGE PRINT	213.90
CHARTER BUSINESS	16.00
DELTA DENTAL PLAN	107.10
DEMCO	366.22
DOLLAR GENERAL	20.65
FIRST BANKCARD	1,575.17
IKON OFFICE SOLUTION	36.61
IKON OFFICE SOLUTIONS	378.78
JEFFREY S BARNES	142.00
JONES LIBRARY SALES INC	100.00
NEBRASKA PUBLIC POWER DI	266.90
WINDSTREAM	25.39

PARK & RECREATION

BLACK HILLS ENERGY	9.30
BNSF RAILROAD COMPANY	25.75
BOMGAARS SUPPLY	35.95
C SCOTT SERVICES	120.00
ECHO GROUP INC	293.66
EGAN SUPPLY CO	395.04
JOHN DEERE CREDIT	1,852.64
NEBRASKA PUBLIC POWER DI	48.38
PAPILLION SANITATION	95.35
VERIZON WIRELESS	4.43

CEMETERY

BOMGAARS SUPPLY	13.18
DELTA DENTAL PLAN	53.55
KURT J VERKAMP	89.51
NEBRASKA PUBLIC POWER DI	10.83
PANKONIN'S INC	9.54
PAYFLEX	9.09

FIRE DEPARTMENT

FORT DEARBORN LIFE INSUR	392.16
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SENIOR CITIZEN CENTER

EGAN SUPPLY CO	259.58
FOUR STAR LAUNDRY	190.14
OFE OIL INC.	165.45

COMMUNITY CENTER

ADVANCED OFFICE AUTOMATI	45.18
ALLISON WELCH	275.00
AQUA CHEM INC	989.15
BELL SPORTS INC	496.00
BLACK HILLS ENERGY	99.35
CAROL FADKE	75.00
CHARTER BUSINESS	89.90
CIT TECHNOLOGY	156.85
DEBBIE BAGGENSTOSS	150.00
DELTA DENTAL PLAN	74.45
DIANA L. POGREBA	425.00
DONNA HOLMES	50.00
FISERV	187.50
KAREN MOREHEAD	300.00
KELLEY SCANLAN	200.00
MICHAEL ANZALONE	480.00
MICHAEL L. & DEBRA S. FL	1,975.00
MICHELLE MCKNIGHT	200.00
NOVA FITNESS EQUIPMENT	377.50
PAPILLION SANITATION	95.28
PAYFLEX	9.09
SARAH ASCHENBRENNER	175.00
SHARI BARRIOS	60.00
VERIZON WIRELESS	8.97
Cindi Boswell	50.00
Rotella's	29.16

AQUATIC

BLACK HILLS ENERGY	9.30
NEBRASKA PUBLIC POWER DI	48.32

DEBT

Water Dept 6113.22

ECONOMIC DEVELOPMENT

SOUTHEAST NE DEV DISTRIC 322.07

Plattsmouth Chamber 7000.00

ECONOMIC DEV - DTR PHASE 2

KEITH L FELTHOUSEN 15,350

SOUTHEAST NE DEV DISTRIC 524.47

EMS

DELTA DENTAL PLAN 74.45

FOUR STAR LAUNDRY 8.62

LIFE-ASSIST INC 1,057.09

MATHESON TRI-GAS INC 62.77

METRO COMMUNITY COLLEGE 1,431.00

NEBRASKA LABOR LAW POSTE 67.25

PRO SHIRT SHOP 234.00

VERIZON WIRELESS 27.52

WATER

BEAVER LAKE MARINA 256.49

BOMGAARS SUPPLY 133.15

DELTA DENTAL PLAN 137.15

DEPT OF HEALTH & HUMAN S 115.00

HAWKINS INC 319.50

HD SUPPLY WATERWORKS LTD 2,068.43

HIGGINS HARDWARE 84.98

IMPACT MANUFACTURING 30.00

NE PUBLIC HEALTH ENVIRON 72.00

NEBRASKA PUBLIC POWER DI 2,163.76

NMC EXCHANGE LLC 10,405.00

PAYFLEX 9.09

PAYLESS OFFICE PRODUCTS 74.89

RGS REPAIR INC 794.63

SEI SECURITY EQUIPMENT 324.00

U.S. ASPHALT COMPANY 1,500.00

VERIZON WIRELESS 17.74

WATER DEPARTMENT-PETTY C 458.54

SEWER

AMERICAN NATIONAL BANK 30,000.00

CENTRAL UNITED LIFE INSU 265.44

MUTUAL OF OMAHA 18.96

BOMGAARS SUPPLY 374.48

DELTA DENTAL PLAN 160.65

DPC INDUSTRIES INC 90.00

NEBRASKA PUBLIC POWER DI	216.89
NEBRASKA RURAL WATER ASS	618.00
OFE OIL INC.	29.43
PAPILLION SANITATION	36.51
RAILROAD MANAGEMENT COMP	515.00
DRUG FORFEITURE	
NEXTEL PARTNERS	99.98
CSO PROJECT (CLEAN WATER SRF)	
HDR ENGINEERING INC	14,493.35
.05% SALES TAX STREET/SIDE MAINT	
HDR ENGINEERING INC	12,132.50
MENARDS	1,378.81
REINSCH & SLATTERY, BEAR	4,200.00
POLICE SPECIAL REV	
JACK'S UNIFORMS & EQUIPM	1,328.64
Cemetery Lot & Improvement	
American Nat'l Bank	84,000
Total Claims	325,962.02
Total Claims and Salaries	418,609.98

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

ITEM 10 – UNFINISHED BUSINESS

ITEM 10 A

Pursuant to publication, the Mayor opened the public hearing at 7:10 p.m. with regard to Receipt of evidence that the Mayor and City Council will subsequently consider when determining whether to approve or deny the renewal of two mobile home licenses, to wit: Hill City Mobile Home Park and HiVue Mobile Home Park, both owned and operated by Three Parks, L.L.C. The Mayor and City Council will receive evidence related to the existence of conditions which would constitute the following ordinance violations:

3-602(3): Filthy, littered or trash-covered cellars, houseyards, barn-yards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

3-602(6): Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

3-602(7): Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property

values in the vicinity thereof.

3-602(8): Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

Kevin Larson, City Inspector, presented evidence of the following: Four points in hearing notice: Filthy, littered or trash-covered yards; Trash not properly contained; Trash creating a dangerous condition or devaluing the property; and Unsightly/destroyed/dangerous building:

1 - Unit #16 at HiVue being demolished.

Safety has been the biggest concern at Hill City and HiVue Trailer courts, due primarily to the condition of some of the trailers.

2 – Unit #16 at HiVue site cleared.

Unsafe units with broken windows, unsanitary conditions, unsecured vacant units, and unsightly, trash-filled sites went un-cleaned.

3 – Unit #105 HiVue being demolished.

An aggressive demolition and debris removal program by the owner is correcting this situation.

4 – Unit #105 HiVue site cleared. In the last year, ten substandard units have either been moved out or demolished at the Hill City and HiVue Mobile Home Parks. Another six were either moved or demolished during the previous year.

5 – Road repair at Hill City.

Crews have also cleared accumulated debris from trailer spaces and trimmed trees.

6 – Hill City road repair complete.

7 – Site #105 HiVue to be skirted.

Skirting is being replaced on some of the remaining mobile homes.

8 – Warning sign posted by resident to cat owners at HiVue.

Tenants at Hill City and HiVue have been provided copies of the new park rules.

9 – Site #174 HiVue final cleaning after unit removed.

A garbage truck has been purchased by Three Parks and is being used for removing debris. Hill City and HiVue are now being managed out of the Bellevue office.

10 – Empty unit spaces at Hill City.

Mr. Chad Menke addressed the Mayor and City Council and said his intentions are to install newer units once maintenance and improvement projects have been completed.

Police Chief, Steve Rathman, presented evidence in regard to City Ordinance nuisance violations in the two mobile home parks: Unsafe conditions-some so bad you can't even get to the front door; weeds, grass and tires; Ferrell cats at HiVue – being fed by tenants but are not vaccinated or licensed.

Ron Bertsch, 828 Main Street, Plattsmouth, NE-owner of 7 mobile homes located in both parks, reported that the code violations were real, but he had confidence that the park owner will address the violations and that based on this confidence he had recently purchased 2 additional mobile homes. Bertsch urged the council to move forward with a plan in conjunction with the owner of the parks to take care of the issues. Mr. Bertsch stated that he felt the park owner could achieve the goals.

Joe Morehead spoke on behalf of his daughter and her fiancé who recently purchased a mobile home in one of the parks, and stated that the park owner had made improvements.

Chad Menke, owner of the parks, described improvements made over the years and stated that in the last two years his time has been occupied by other issues but assured the council that improvements will continue.

Larry Thompson, 2902 Hancock St #88, Bellevue, NE, stated that he has worked at the parks since May 2011, and that they are trying to take care of the parks and to get the tenants to do the same. Mr. Thompson asked the council to give the owner another year to clean up the parks. He stated that the owner had made tremendous progress and assured the council that it would continue.

Mike Oakley, 2902 Hancock St #184, Bellevue, NE, stated that he works for the owner and that they are working very hard to clean up the parks but that it would take time.

Shirley Stipe, 1023 N. 9th St #14, Plattsmouth, NE, stated that she has always kept her lot clean and in the last three weeks the owner had torn down a trailer next door to hers and that it looks very nice and with a little time the owner will clean up the park she lives in.

Kathy Bechler, 1023 N. 9th St #61, Plattsmouth, NE, stated that the owner has been working on the problem conditions and the owner is making the park much better.

Henry Guynn, 1023 N. 9th St #11, Plattsmouth, NE stated that he has lived in his current home for 16 years and knows there have been problems but the owner is improving the park and that he likes living in HiVue Mobile Home Park.

Terry Stoll, 1023 N. 9th St., Plattsmouth, NE stated that in 1984 she moved to HiVue and in 1998 purchased a new mobile home. She further stated that sometimes people are a little slow but she can see improvement. She also believes that the tenants are also improving their lots. She believes the owner will continue to improve the conditions.

Nancy Black, 1023 N. 9th St., Plattsmouth, NE stated she has lived at HiVue for 45 years and improvements have been made, that her trailer is too old to move, and that the owner has done a lot of work to the parks.

Jerry Priessnitz, 1023 No. 9th St #44, Plattsmouth, NE has seen a number of improvements in the park and that the park could be beautiful. He stated that he has been dealing with a tree problem and that the owner has agreed to take care of it. He stated that he believes that if management does its part, everybody else will follow.

Mayor Bowman closed the Public Hearing at 7:43 p.m.

ITEM 10 B

Council Member Tilson distributed handouts outlining the timeline of the Mobile Home Licensure status within the City. Tilson proposed the City surrender its "Certificate of Exemption" and return the inspection/license process to the State. The City could approve a limited license of 6 months (through June 2012) for HiVue and Hill City with monthly inspections and allow the mobile home court owner to apply for a state license in June 2012 to go through December 2012. If we do surrender our Certificate of Exemption we would also need to contact all mobile home court owners within the city to file for a State License and Inspection prior to December 31, 2012. After further discussion, motion by Porter to issue a one year license for HiVue Mobile Home Park and Hill City Mobile Home Park. With lack of a second, Porter's motion died. Council Member Riese stated that he liked the conditional/probation 6 month license with a detailed list of items to be addressed during the 6 months to bring the mobile home park in to compliance. After further discussion, motion by Dugan to lay over items 10 B and 10 C to the next regularly scheduled meeting and create a detailed list of items to be addressed for each item and then the council will reconsider. Said motion was seconded by Kerns. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Kerns and Brookhouser. No-Porter. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 C

This item was included in the motion made for Item 10 B.

ITEM 10 D

Council Member Riese asked for clarification of the agenda item. City Administrator Erv Portis stated that the request is to limit traffic to southbound one way in the north/south alley east of 3rd Street between Avenue A and Main Street. Motion by Dugan, seconded by Riese to direct the City Attorney to prepare a resolution establishing a one way alley southbound east of 3rd Street between Avenue A and Main Street. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Kerns. No-Porter. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 E

Motion by Riese, seconded by Dugan that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1838 be adopted on third and final reading by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and

Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1838 in to the record by title only.

ITEM 10 F

Chris Koenig, HDR Engineering Inc. reviewed the Flood Control Study, the Flood Damage Assessment and the Vulnerability and Mitigation Plan which were all prepared by HDR Engineering and Olmsted & Perry Consulting Inc as subconsultants. Koenig stated that it is a work in progress, there is a lot of damage from the flood and a lot of decisions to be made. Koenig pointed out that there are two stages: Damage Assessment and then the Mitigation Plan and that funding is based on actual cost. The Path Forward will be: Preliminary and final design of the 24 inch trunk sewer; Bid documents for Wastewater Treatment Plant cleanup; and continue working with NEMA/FEMA on decisions on repair and mitigation.

ITEM 10 G

Motion by Dugan, seconded by Derby to approve Task Order No. Two, not to exceed \$77,753.00, Plattsmouth Flood Control Study for the design of repair and/or replacement of the 24-inch trunk sewer main; to develop bid documents for removal of debris from the Wastewater Treatment Plant; to authorize solicitation of bids for removal of debris from the Wastewater Treatment Plant consistent with Task Series 100; and to authorize the Mayor to execute Task Order No. Two. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11 – NEW BUSINESS

ITEM 11 A

Motion by Riese, seconded by Kerns to approve a revised agreement for Physician Medical Director for the City of Plattsmouth Emergency Medical Services Department. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11 B

Motion by Kerns, seconded by Dugan to approve the Nebraska Department of Roads Maintenance Agreement No. 21 which covers the period from January 1, 2012 through December 31, 2012. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 11 C

Motion by Dugan, seconded by Brookhouser to approve the Graham Construction Application and Certificate for Pay App No. 15, Main Street Corridor Improvement Project in the amount of \$606,915.01 (Schedule A (CSO) \$316,216.78 and Schedule B (Streetscape) \$290,698.23), authorize payment and direct the Mayor to execute Pay App No. 15. ROLL CALL: Yes-Kerns,

Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 14

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest for the evaluation of job performance of an employee for which the employee has not requested discussion in open session. 8:48 p.m. Motion by Dugan, seconded by Porter to convene in Closed Session to protect the public interest for the evaluation of job performance of an employee for which the employee has not requested discussion in open session. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest for the evaluation of job performance of an employee for which the employee has not requested discussion in open session.

9:08 p.m. Motion by Riese, seconded by Dugan to reconvene in regular session. On a voice vote, MOTION CARRIED.

ITEM 15

9:09 p.m. Motion by Tesarek, seconded by Porter to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk