

PLATTSMOUTH CITY COUNCIL
November 21, 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 21, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Jeanie Brookhouser, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: John Porter, Terry Kerns and Terry D. Tilson. 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

Karen Mier, Plattsmouth Library Director extended an invitation to the Mayor, Council and all citizens to the Grand Re-Opening of the Computer Lab on Wednesday, December 7, 2011 from 5:30 p.m. to 7:00 p.m.

Charles Jones, Executive Director of Plattsmouth Main Street Association gave an update on events (past and upcoming) and other activity on Main Street.

Cindy Claassen, 1023 North 9th Street #62, Plattsmouth-stated that there is a black cow on the loose and it is a danger to pedestrians and cars. It has been seen several times in the HiVue Mobile Home Park area and the proper authorities have been notified but have not been able to catch/corral it.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7

Motion by Riese, seconded by Derby to approve Banking Resolutions for all accounts at Plattsmouth State Bank (11 accounts), Cass County Bank (1 account) and SAC Federal Credit Union (1 account). ROLL CALL: Yes-Brookhouser, Riese, Dugan, Tesarek and Derby. No-None. Absent-Porter, Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 8-CONSENT AGENDA:

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

- A Consider approval of November 7, 2011 City Council Meeting Minutes
- B Ratify the execution of all claims and documents issued and approved by the Plattsmouth City Council since October 7, 2011
- C Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 11/04/2011 not Net as before

General Admin 12,639.11
 Humane 1,146.40
 Police 31,902.38
 Street 10,751.57
 Public Library 6,252.53
 Parks 190.00
 Oakhill Cemetery 1,349.60
 Community Center 8,328.26
 Senior Center 1,516.14
 Pool
 Sewer 5,785.24
 Water 5,921.26
 EMS 5,260.38
 TOTAL SALARIES 91,612.87

Various

CINTAS CORPORATION #749	18.60
GENERAL ADMINISTRATION	
AGA-OMAHA	100.00
BLACK HILLS ENERGY	256.76
CASS COUNTY REGISTER OF	10.50
CHARTER BUSINESS	40.00
FIRST BANKCARD	279.40
HIGGINS HARDWARE	1.49
ICMA	743.06
J P COOKE COMPANY	12.25
KEVIN LARSON	36.63
LEAGUE OF NEB MUNICIPALI	371.52
PAMIDA DISCOUNT CENTER	21.39
PAYLESS OFFICE PRODUCTS	68.08
STEPHEN C. WARGA	13.00
STEUBE'S THRIFTWAY	200.00
STEVE KONFRST TRASH	4,260.30

THE COLUMBUS TELEGRAM	1,006.99
VERIZON WIRELESS	90.28
WINDSTREAM	263.55
WIREBUILT CO	75.00
HUMANE/CODE ENFORCEMENT	
LAMBERT VET SUPPLY	109.36
NEBRASKA HUMANE SOCIETY	70.00
PAMIDA DISCOUNT CENTER	30.99
PLATTSMOUTH ANIMAL HOSPI	167.00
VCA 80 DODGE ANIMAL HOSP	88.51
POLICE	
HIGGINS HARDWARE	2.40
JACK'S UNIFORMS & EQUIPM	801.61
KAHLER CONSTRUCTION	3,740.00
LINDER TIRE & AUTO INC	34.00
MULLENAX AUTO SUPPLY	32.43
PAYLESS OFFICE PRODUCTS	60.58
PITNEY BOWES	692.15
THAYES S. BROWNE	13.82
VERIZON WIRELESS	36.82
WINDSTREAM	361.03
STREET	
CINTAS CORPORATION #749	237.40
CONWAY OIL COMPANY	1,490.89
FASTENAL COMPANY	29.90
HIGGINS HARDWARE	22.39
KENZ & LESLIE DISTRIBUTI	230.55
MICHAEL TODD & COMPANY I	363.65
MULLENAX AUTO SUPPLY	359.96
NEBRASKA PUBLIC POWER DI	219.45
PAYLESS OFFICE PRODUCTS	19.08
PLATTSMOUTH READY MIX IN	721.13
VERIZON WIRELESS	135.28
WINDSTREAM	103.21
PUBLIC LIBRARY	
ACCU CUT SYSTEMS	63.00
BAKER & TAYLOR BOOKS	475.41
BLACK HILLS ENERGY	51.41
CENTER POINT LARGE PRINT	213.90
DEMCO	97.18
EGAN SUPPLY CO	138.82
LIEBERMAN SOFTWARE	120.00
PAYLESS OFFICE PRODUCTS	72.13

UNIVERSAL MEDIA CORP	163.14
PARK & RECREATION	
HIGGINS HARDWARE	3.80
LINDER TIRE & AUTO INC	397.00
MIRACLE RECREATIONAL EQU	155.00
MULLENAX AUTO SUPPLY	335.65
NEBRASKA PUBLIC POWER DI	98.68
PAMIDA DISCOUNT CENTER	3.50
THE COLUMBUS TELEGRAM	14.58
TINCHER CHRYSLER-PLYMOUT	341.40
VERIZON WIRELESS	33.82
WINDSTREAM	50.74
CEMETERY	
BLACK HILLS ENERGY	26.81
NEBRASKA PUBLIC POWER DI	31.01
PAYLESS OFFICE PRODUCTS	4.99
WINDSTREAM	74.73
FIRE DEPARTMENT	
BLACK HILLS ENERGY	20.58
FELD FIRE	291.69
FIRE GUARD	270.00
HIGGINS HARDWARE	126.63
MULLENAX AUTO SUPPLY	432.36
NEBRASKA PUBLIC POWER DI	147.98
P&W	438.25
SAM'S	131.69
TRI-MUTUAL AID FIREFIGHT	150.00
WINDSTREAM	101.61
SENIOR CITIZEN CENTER	
EGAN SUPLLY CO	121.16
NEBRASKA PUBLIC POWER DI	635.47
STEUBE'S THRIFTWAY	407.44
THE THOMPSON COMPANY	5,301.82
WINDSTREAM	106.06
COMMUNITY CENTER	
ALLISON WELCH	150.00
CINDI BOSWELL	75.00
DEBBIE BAGGENSTOSS	75.00
DIANA L. POGREBA	225.00
EGAN SUPLLY CO	295.95
FOUR STAR LAUNDRY	98.10
KAREN MOREHEAD	225.00
KELLEY STEELE	50.00

MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	100.00
MIDWEST SOUND & LIGHTING	80.00
NEBRASKA PUBLIC POWER DI	5,719.27
PAMIDA DISCOUNT CENTER	26.98
SAM'S	122.78
SARAH ASCHENBRENNER	100.00
THOMAS WOODS	975.00
TYRONE ABDUL	142.00
VERIZON WIRELESS	68.42
VOSS LIGHTING	106.05
WINDSTREAM	318.17
DEBT SERVICE	
PLATTSMOUTH STATE BANK	10,492.50
EMS	
ALS AFFILIATES	1,535.00
BLACK HILLS ENERGY	20.59
FOUR STAR LAUNDRY	29.68
IDEAL PURE WATER	54.00
KATHRYN SHARP	600.00
LA VISTA PHARMACY	50.54
LIFE-ASSIST INC	102.00
MATHESON TRI-GAS INC	68.68
METRO BILLING SERVICES	465.00
MIDWEST MINOR MEDICAL	35.00
MULLENAX AUTO SUPPLY	.93
NEBRASKA PUBLIC POWER DI	147.98
NEHHC- NEBRASKA HOME HEA	90.95
PAMIDA DISCOUNT CENTER	143.28
PRO SHIRT SHOP	1,001.00
STEUBE'S THRIFTWAY	41.96
WINDSTREAM	101.62
WATER	
BLACK HILLS ENERGY	19.29
GREAT PLAINS ONE CALL SE	17.06
HAWKINS INC	1,432.26
HDR ENGINEERING INC	407.93
LINDER TIRE & AUTO INC	18.00
NMC EXCHANGE LLC	53.92
O'REILLY AUTOMOTIVE INC	24.66
PAMIDA DISCOUNT CENTER	41.98
PIONEER EXCAVATING COMPA	7,600.00
RWD #1	38,804.01

THE COLUMBUS TELEGRAM	50.75
USA BLUEBOOK	85.05
VERIZON WIRELESS	101.46
WINDSTREAM	133.02
SEWER	
BLACK HILLS ENERGY	46.77
CRETEX	48.00
DITCH WITCH OF OMAHA	409.21
DPC INDUSTRIES INC	90.00
GREAT PLAINS ONE CALL SE	17.05
HDR ENGINEERING INC	407.92
NEBRASKA DEPT OF ENVIRON	300.00
PIONEER EXCAVATING COMPA	15,200.00
UTILITY EQUIPMENT COMPAN	227.54
VERIZON WIRELESS	33.82
DRUG FORFEITURE	
NEXTEL PARTNERS	99.98
CSO PROJECT (CLEAN WATER SRF)	
BAIRD HOLM LLP	2,010.50
.05% SALES TAX STREET/SIDE MAINT	
QUALITY SIGNS	45.00
RICK BOWMAN	400.00
Total Claims 121,990.44	
Total Claims and Salaries 213,603.31	

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

ITEM 9 – UNFINISHED BUSINESS

ITEM 9 A

Motion by Dugan, seconded by Riese to approve Task Order No. Three, Plattsmouth Flood Control Study by and between the City of Plattsmouth and HDR Engineering, Inc., provide preliminary engineering design services for a new water supply well at Plattsmouth, at a cost not to exceed \$95,772.00; and authorize the Mayor to execute the agreement. ROLL CALL: Yes-Derby, Brookhouser, Reise, Dugan and Tesarek. No-None. Absent-Porter, Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 B

Motion by Dugan, seconded by Derby to grant a six (6) month temporary Mobile Home License for Three Parks LLC to operate Hill City Mobile Home Park, 504 North 22nd Street, Plattsmouth, Nebraska contingent on the applicant executing an agreement with the City in regard to bringing the

park into compliance with state and local laws, ordinances and regulations. After discussion, ROLL CALL: Yes-Tesarek, Derby, Brookhouser, Riese and Dugan. No-None. Absent-Porter, Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Riese, seconded by Tesarek to grant a six (6) month temporary Mobile Home License for Three Parks LLC to operate HiVue Mobile Home Park, 1023 North 9th Street, Plattsmouth, Nebraska contingent on the applicant executing an agreement with the City in regard to bringing the park into compliance with state and local laws, ordinances and regulations. ROLL CALL: Yes-Dugan, Tesarek, Derby, Brookhouser and Riese. No-None. Absent-Porter, Kerns and Tilson. Abstain-None. MOTION CARRIED

ITEM 9 D

City Administrator Erv Portis stated that Resolution No. 11-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH A ONE WAY ALLEY SOUTHBOUND EAST OF 3RD STREET BETWEEN AVENUE A AND MAIN STREET was not written as requested. The original request was for the alley to be on way for only half of the alley. Police Chief Rathman stated that it would be difficult to enforce. After further discussion, NO ACTION TAKEN.

ITEM 10 – NEW BUSINESS

ITEM 10 A

Council Member Riese introduced an ordinance numbered and titled as follows: Ordinance No. 1839: **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 Riese, seconded by Dugan to approve first reading of Ordinance No. 1839 by title only. ROLL CALL: Yes-Brookhouser, Riese, Dugan, Tesarek and Derby. No-None. Absent-Porter, Kerns and Tilson. Abstain-None. MOTION CARRIED. City Attorney read Ordinance No. 1839 by title only.

ITEM 10 B

Council Member Dugan introduced Resolution No. 11-046: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE TRANSFER OF FUNDS HELD BY THE CITY FOR THE BENEFIT OF PLATTSMOUTH VOLUNTEER FIRE DEPARTMENT TO THE PLATTSMOUTH VOLUNTEER FIREFIGHTERS ASSOCIATION TRUST FUND AUTHORIZED BY *NEB. REV. STAT. §35-901*

Motion by Dugan, seconded by Riese to adopt Resolution No. 11-046;

RESOLUTION NO. 11-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE TRANSFER OF FUNDS HELD BY THE CITY FOR THE BENEFIT OF PLATTSMOUTH VOLUNTEER FIRE DEPARTMENT TO THE PLATTSMOUTH VOLUNTEER FIREFIGHTERS ASSOCIATION TRUST FUND AUTHORIZED BY *NEB. REV. STAT. § 35-901*.

WHEREAS, *Neb. Rev. Stat. § 35-901* authorizes City of Plattsmouth volunteer firefighters serving the City to establish a trust fund into which all general donations or contributions, bequests, or annuities made to City's Volunteer Department and all money raised by or for the volunteers shall be deposited.

WHEREAS, the trust fund shall be under the control of the volunteers with the treasurer of the volunteers being the custodian of the trust fund, and with the volunteers having the authority to make expenditures for equipment therefrom as they deem necessary and in the best interest of the City's Fire Department.

WHEREAS, the trust fund shall not be considered public funds or funds of the City for any purpose, including the Nebraska Budget Act, nor shall the City incur any liability solely by reason of any expenditure from such fund except liability for property when the City receives title to property acquired with money from such fund.

WHEREAS, if the total amount of expenditures and receipts in the trust fund exceeds one hundred thousand dollars in any twelve-month period, the volunteers shall inform the City.

WHEREAS, the City, at City expense, may examine or cause to be examined all books, accounts, vouchers, records, and expenditures with regard to the trust fund.

WHEREAS, no funds, fees, or charges solicited, collected, or received by the Plattsmouth Volunteer Fire Department that are (i) in consequence of the performance of fire or rescue services by the volunteer department at a given place and time, (ii) accomplished through the use by the volunteer department of equipment owned by the taxing authority supporting such department and provided to the volunteer department for that purpose, and (iii) paid by or on behalf of the recipient of those services, shall be deposited in the trust fund; and all such funds so derived shall be considered public funds of the City and are deemed to have been collected by the volunteers as the agent of the taxing authority to be held by the City.

WHEREAS, all money raised pursuant to the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be subject to such acts with respect to the deposit and expenditure of such money.

WHEREAS, the volunteers shall not solicit, charge, or collect any funds, fees, or charges that are (i) in consequence of the performance of fire or rescue services by the volunteer department at a given place and time, (ii) accomplished through the use by the volunteer department of equipment owned by the taxing authority supporting such department and provided to the volunteer

department for that purpose, and (iii) paid by or on behalf of the recipient of those services, without the express authorization of the City Council by vote of a majority of the members of the City Council, and if so approved, such approval shall be limited to a period of twelve-months and then subject to renewal at the discretion of the City Council.

WHEREAS, for the purpose of administering donation trust funds as provided by *Neb. Rev. Stat.* §35-901, the volunteers of the City's Fire Department have organized the Plattsmouth Volunteer Firefighters Association pursuant to Nebraska Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska that the City recognizes the Plattsmouth Volunteer Firefighters Association (Association) solely for the purpose of administering donation trust funds as contemplated by *Neb. Rev. Stat.* § 35-901.

BE TI FURTHER RESOLVED that the Fire Chief, appointed by the Mayor and confirmed by the City Council, shall have all powers and authority as provided in Chapter 8, Article 1, of the City of Plattsmouth, Nebraska Revised Municipal Ordinances 2011.

BE IT FURTHER RESOLVED THAT the City Treasurer shall transfer the donation funds from the following accounts held by the City for the benefit of the Plattsmouth Volunteer Fire Department to the Plattsmouth Volunteer Firefighters Association at Plattsmouth State Bank, subject to the provisions of *Neb. Rev. Stat.* § 35-901 as amended:

xxxxxxx470	FIRE SPECIAL EQUIPMT
xxxxxxx470	FIRE MISC
xxxxxxx420	FIRE SPECIAL EQUIPMT

BE IT FURTHER RESOLVED that the Association shall keep on file with the City Clerk a current copy of the Association's Articles of Incorporation, Internal Revenue Service "Letter of Determination," and by-laws so that City may ensure compliance with all federal, state and local laws, ordinances and regulations.

BE IT FURTHER RESOLVED that the Association shall advise City of its intended purchases so that City may decide to accept or reject the same, and if accepted upon purchase of such equipment Association shall provide the same to City which shall then place the same in City's inventory of equipment to be insured.

BE TI FURTHER RESOLVED that the determination of City to either accept or reject any proposed purchase shall be decided as follows: a) by the City Administrator for purchases up to \$20,000, and b) by the City Council for purchases in excess of \$20,000.

BE IT FURTHER RESOLVED that Association shall make available to City its books and records upon 48 hours request to ensure compliance with all federal, state and local laws, ordinances and regulations.

BE IT FURTHER RESOLVED that until the pickle accounts legally can be transferred to Association, which requires either a statutory change or five (5) years passage of time from the creation of Association, the pickle accounts will be administered pursuant to Resolution 11-043.

BE IT FURTHER RESOLVED that any funds donated to the Emergency Medical Services Department shall be public funds under the control of the City Treasurer, and with expenditure as determined by City ordinances.

PASSED AND APPROVED this 21st day of November 2011.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 11-046 in to the record. ROLL CALL: Yes-Derby, Brookhouser, Riese, Dugan and Tesarek. No-None. Absent-Porter, Kerns and Tilson. Abstain-None. MOTION CARRIED.

ITEM 13

7:34 p.m. Motion by Tesarek, seconded by Riese to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk