

PLATTSMOUTH CITY COUNCIL
August 6, 2012

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 August 6, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Terry Kerns, John R. Porter, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Attorney Roger Johnson and City Treasurer Peggy Wilsey.

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

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

ITEM 7-CONSENT AGENDA:

Motion by Riese, seconded by Tilson to approve the Consent Agenda as presented.

- A Consider approval of July 16, 2012 Plattsmouth City Council Meeting Minutes
- B Consider acceptance of a grant from the Nebraska State Records Board in the amount of \$23,742.00 for library microfilm digitization
- C Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Beer Garden being held in the Entertainment Plaza on South 4th Street from Main to the alley directly behind the Stage on September 7, 2012 and September 8, 2012 from 12:00 noon to 12:00 midnight
- D Consider recommendation of approval of Special Designated License filed by Knights of Columbus for a Reception being held at St. John's School, 520 South 18th Street, Plattsmouth on September 2, 2012 from 12:00 p.m. to 12:00 a.m.
- E Consider recommendation of approval of Special Designated License filed by Knights of Columbus for a Reception being held at St. John's School, 520 South 18th Street, Plattsmouth on October 27, 2012 from 12:00 p.m. to 12:00 a.m.

- F Consider recommendation of approval of Special Designated License filed by Knights of the Round Table for a Reception being held at St. John's School, 520 South 18th Street, Plattsmouth on November 17, 2012 from 12:00 p.m. to 12:00 a.m.
- G Consider recommendation of approval of Special Designated License filed by Knights of the Round Table for a Chamber of Commerce Dinner Auction being held at St. John's School, 520 South 18th Street, Plattsmouth on November 3, 2012 from 12:00 p.m. to 12:00 a.m.
- H Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 7/13/2012 and 7/27/2012 not Net as before

General Admin 29,709.02
 Humane 2,292.80
 EMS 11,369.77
 Police 58,939.38
 Street 21,650.57
 Public Library 12,734.46
 Parks 5,278.28
 Oakhill Cemetery 2,699.20
 Senior Center 3,771.57
 Community Center 14,485.67
 Pool 20,864.99
 Water 12,368.67
 Sewer 12,096.62
 CBD 1,140.00
 TOTAL SALARIES 209,401.00

VARIOUS

SHELL	6,035.73
MUTUAL OF OMAHA	57.01
BLUE CROSS BLUE SHIELD	2,425.75
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
AMERICAN FAMILY LIFE ASS	215.59

BLUE CROSS BLUE SHIELD	31,775.08
CINTAS CORPORATION #749	23.25
DELTA DENTAL PLAN	53.55
FIDELITY SECURITY LIFE E	263.40
FRATERNAL ORDER OF POLIC	165.00
MUTUAL OF OMAHA	513.15
PLATTSMOUTH STATE BANK	1,101.12
THE UNION CENTRAL LIFE I	155.02

GENERAL ADMINISTRATION

BLACK HILLS ENERGY	22.56
COMPUTERS TO GO	109.00
DANA F. COLE & COMPANY L	6,868.20
DELTA DENTAL PLAN	288.65
DUGAN BUSINESS FORMS	251.05
FIRST BANKCARD	401.03
HARLAN SEYFER	1,474.60
HDR ENGINEERING INC	2,401.00
JOHN BAXTER	50.00
KEVIN LARSON	19.19
MICROFILM IMAGING SYSTEM	60.00
MIKE E MCCRACKEN	550.00
NEBRASKA DEPARTMENT OF R	1,000.00
NEBRASKA PUBLIC POWER DI	1,022.30
OMAHA WORLD HERALD	88.40
PAPILLION SANITATION	92.20
PAYFLEX	40.02
PITNEY BOWES INC.	108.00
RDG PLANNING & DESIGN	902.50
RICHARD MCKINLEY	1,719.17
SCHMADER ELECTRIC CO INC	1,737.00
SCHNEIDER AGENCY	37,143.60
SPEBSQSA CHAPTER A 101	300.00
THE COLUMBUS TELEGRAM	456.98
VERIZON WIRELESS	85.16
WINDSTREAM	268.80

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	14.68
HEARTS UNITED	210.00
JOHN'S APPLIANCE	15.03
KETCH ALL CO	89.00
LAMBERT VET SUPPLY	358.46

NEBRASKA PUBLIC POWER DI	156.18
PLATTSMOUTH ANIMAL HOSPI	289.90
POLICE PETTY CASH	31.03
SUE BAKER	57.01

POLICE

CASS COUNTY SHERIFF	3,509.00
COMPUTERS TO GO	965.00
DAVID NEWMAN	275.00
DEBRA S FLAHERTY	25.00
DELTA DENTAL PLAN	565.55
FIRST BANKCARD	338.45
GE CAPITAL	639.00
HORNADY	2,898.40
JACK'S UNIFORMS & EQUIPM	239.74
JOHN'S APPLIANCE	22.89
KAHLER CONSTRUCTION	510.00
MJN INC	1,000.00
NATIONAL LAW ENFORCEMENT	118.53
NEBRASKA ASSOC OF PROPER	35.00
PAYFLEX	26.68
PITNEY BOWES	39.00
POLICE PETTY CASH	19.00
TILSON AUTOMOTIVE	668.26
ULTRAMAX	1,203.00
VERIZON WIRELESS	36.95
WARGA BROADCASTING LLC	300.00
WINDSTREAM	333.75

STREET

ALLIED OIL & SUPPLY INC	438.86
ASPHALT & CONCRETE MATER	741.40
BLACK HILLS ENERGY	42.35
BOMGAARS SUPPLY	245.77
CINTAS CORPORATION #749	304.75
CRA PAYMENT CENTER	200.06
DELTA DENTAL PLAN	309.55
DULTMEIER SALES	144.50
FASTENAL COMPANY	17.85
HDS WHITE CAP CONST SUPP	56.88
MULLENAX AUTO SUPPLY	240.27
NEBRASKA PUBLIC POWER DI	7,416.45
NEBRASKA SALT & GRAIN CO	2,941.64

PAPILLION SANITATION	117.66
PAYFLEX	6.66
PLATTSMOUTH READY MIX IN	1,385.29
ROSE EQUIPMENT INC	1,986.20
VERIZON WIRELESS	135.88
WINDSTREAM	105.58
WOODHOUSE FORD SOUTH INC	564.02

LIBRARY

BAKER & TAYLOR BOOKS	2,835.74
BLACK HILLS ENERGY	20.50
CENTER POINT LARGE PRINT	213.90
CHARTER BUSINESS	16.00
DELTA DENTAL PLAN	107.10
DOLLAR GENERAL	17.50
EGAN SUPPLY CO	9.46
FIRST BANKCARD	1,281.30
GALE GROUP INC	54.00
MT LIBRARY SERVICES	125.55
NEBRASKA PUBLIC POWER DI	1,070.97
NLA/NEMA	525.00
RICOH	40.27
UNIVERSAL MEDIA CORP	214.06
WINDSTREAM	187.46

PARK & REC

BLACK HILLS ENERGY	18.60
BOMGAARS SUPPLY	135.08
ENTIRE RECYCLING INC	16,890.00
HDR ENGINEERING INC	2,072.94
JOHN DEERE CREDIT	430.40
LINDER TIRE & AUTO INC	51.00
MULLENAX AUTO SUPPLY	418.90
NEBRASKA PUBLIC POWER DI	215.22
ODEYS INC	454.61
PAPILLION SANITATION	102.95
PROFESSIONAL WASTE WATER	200.00
THE COLUMBUS TELEGRAM	7.29
VERIZON WIRELESS	33.97
WINDSTREAM	50.99

CEMETERY

CONWAY OIL COMPANY	1,374.84
DELTA DENTAL PLAN	53.55

LINDER TIRE & AUTO INC	15.00
MULLENAX AUTO SUPPLY	57.98
NEBRASKA PUBLIC POWER DI	43.73
PAYFLEX	6.66
WINDSTREAM	75.07

FIRE

BLACK HILLS ENERGY	18.62
FIRST WATCH INC	112.00
FORT DEARBORN LIFE INSUR	178.88
IDEAL PURE WATER	109.61
LARUE DISTRIBUTING INC	172.46
MOTOROLA	140.30
MULLENAX AUTO SUPPLY	3.65
WINDSTREAM	111.30

SENIOR CITIZEN CTR

BLACK HILLS ENERGY	9.55
COMPUTERS TO GO	921.00
EGAN SUPPLY CO	135.82
FOUR STAR LAUNDRY	104.53
NEBRASKA PUBLIC POWER DI	1,067.21
WINDSTREAM	146.42

COMMUNITY CENTER

ALLISON WELCH	50.00
AQUA LOGIC INC	695.25
BLACK HILLS ENERGY	85.95
DEBBIE BAGGENSTOSS	200.00
DELTA DENTAL PLAN	74.45
DIANA L. POGREBA	25.00
FASTENAL COMPANY	33.28
FOUR STAR LAUNDRY	19.62
JOYCE HICKS	125.00
KAREN MOREHEAD	175.00
KELLEY STEELE	50.00
LINDA HAUENSTEIN	100.00
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	100.00
NEBRASKA AIR FILTER INC	42.93
NEBRASKA PUBLIC POWER DI	9,604.92
OLMSTED & PERRY ENGINEER	1,155.00
PAPILLION SANITATION	101.00
PAYFLEX	6.66

PEAK PERFORMANCE	1,294.80
SARAH ASCHENBRENNER	200.00
SHARI BARRIOS	90.00
VERIZON WIRELESS	68.68
WINDSTREAM	485.98

AQUATIC

AQUA CHEM INC	1,969.73
BLACK HILLS ENERGY	901.31
DOLLAR GENERAL	113.65
ELIFEGUARD INC	691.41
MENARDS	399.90
MIDWEST MINOR MEDICAL	35.00
MULLENAX AUTO SUPPLY	2.38
NATIONAL TICKET COMPANY	312.75
NEBRASKA PUBLIC POWER DI	2,673.47
NO FRILLS SUPERMARKET	16.25
PAPILLION SANITATION	96.14
PEPSI COLA	1,068.20
QUALITY SIGNS	227.50
THE THOMPSON COMPANY	1,962.76
WINDSTREAM	47.11

ECONOMIC DEVELOPMENT

BOMGAARS SUPPLY	70.42
BUILDERS SUPPLY CO INC	3,181.04
KENNETH DALE ANDERSON JR	23,102.57
PLATTSMOUTH READY MIX IN	253.38
WATKINS CONCRETE BLOCK C	463.99

DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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EMS

BLACK HILLS ENERGY	18.63
BOUND TREE MEDICAL LLC	2,517.01
DAVID COOMBS	539.22
DELTA DENTAL PLAN	74.45
LARUE DISTRIBUTING INC	172.46
LINDER TIRE & AUTO INC	75.00
METRO BILLING SERVICES	340.00
MIDWEST MINOR MEDICAL	200.00
VERIZON WIRELESS	40.50
WINDSTREAM	111.30

WATER

BLACK HILLS ENERGY	39.31
BOMGAARS SUPPLY	154.39
DANA F. COLE & COMPANY L	2,549.28
DELTA DENTAL PLAN	169.80
GRAINGER	135.10
HAWKINS INC	528.00
HD SUPPLY WATERWORKS LTD	452.68
HDR ENGINEERING INC	2,548.35
JEFF HENRY CHEVROLET	26.80
KNAPP	464.85
KNIGHT TRUCKING LLC	1,329.17
MENARDS	58.62
MISSISSIPPI LIME COMPANY	6,548.85
MULLENAX AUTO SUPPLY	33.15
NEBRASKA PUBLIC HEALTH E	294.00
NEBRASKA PUBLIC POWER DI	9,245.53
NEBRASKA SAFETY COUNCIL	132.50
OLMSTED & PERRY ENGINEER	251.50
PAYFLEX	6.66
PLATTSMOUTH READY MIX IN	213.99
SCHNEIDER AGENCY	12,381.20
SHAUN AND BRITTNEY CHRIS	35.00
SHERWIN WILLIAMS	63.28
THE COLUMBUS TELEGRAM	266.00
UTILITY EQUIPMENT COMPAN	2,947.35
VERIZON WIRELESS	101.91
WATER DEPARTMENT-PETTY C	390.15
WENTZ HOLDING LLC	750.00
WILES BROS. INC.	39.88
WINDSTREAM	107.45
WOODHOUSE FORD SOUTH INC	138.42

SEWER

BERT GURNEY & ASSOCIATES	234.00
BLACK HILLS ENERGY	413.46
BOMGAARS SUPPLY	221.25
D.P.C. INDUSTRIES INC.	1,091.63
DANA F. COLE & COMPANY L	1,699.52
DEETER FOUNDRY INC	844.00
DELTA DENTAL PLAN	160.65
HDR ENGINEERING INC	2,880.95
HDS WHITE CAP CONST SUPP	26.99

MULLENAX AUTO SUPPLY	42.43
NEBRASKA PUBLIC POWER DI	5,340.65
NEBRASKA SAFETY COUNCIL	132.50
O'REILLY AUTOMOTIVE INC	17.55
OLMSTED & PERRY ENGINEER	3,126.34
PAPILLION SANITATION	39.42
PAYFLEX	6.66
SCHNEIDER AGENCY	12,381.20
VERIZON WIRELESS	33.97
KENO RESERVE	
AMERICAN NATIONAL BANK	50,000.00
SSRJ INC DBA PLATTSMOUTH	189.58
12 DRUG FORFEITURE	
NEXTEL PARTNERS	99.98
22 CSO PROJECT PHASE II	
HDR ENGINEERING INC	27,241.44
THE COLUMBUS TELEGRAM	161.03
24 .05% SALES TAX STREET/SIDE MAINT	
BOMGAARS SUPPLY	37.76
DELTA DENTAL PLAN	20.90
MULLENAX AUTO SUPPLY	30.11
30 HWY 75 PROJECT	
RWD #1	25,000.00
32 WESTSIDE	
OLMSTED & PERRY ENGINEER	3,712.00
Total Claims 405,860.92	
Total Claims and Salaries 605,261.92	

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

John Trecek, Ameritas Investments reviewed Promissory Notes, both 2010 and 2012. The 2010 Promissory Notes mature at two years so they will be paid off and then paid down with the 2012 Promissory Notes only being \$500,000.00 and then they will mature in two years. City Administrator Erv Portis stated that this is consistent with the budget plan.

ITEM 8 B

Council Member Riese introduced Ordinance No. 1848 entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES, SERIES 2012, IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) FOR THE PAYMENT OF OUTSTANDING PROMISSORY NOTES, SERIES 2010 OF THE CITY OF PLATTSMOUTH, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO PAY THE NOTES AND ACCRUED INTEREST FROM FUNDS COLLECTED OR TO BE COLLECTED UPON CURRENT OR SUBSEQUENT TAX LEVY; PROVIDING FOR THE SALE OF THE NOTES AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Tilson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member Riese moved for final passage of the ordinance, which motion was seconded by Council Member Tilson. The Mayor then stated the question was "Shall Ordinance No. 1848 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as required by law.

ITEM 8 C

Chris Koenig, HDR Engineering Inc. stated there were 5 Work Change Directives rolled in to one Change Order so he reviewed the Work Change Directives. Motion by Kerns, seconded by Brookhouser to approve Change Order No. 2 submitted by Roloff Construction, Inc. for the Sewer Separation Phase 2 project with an increase of \$10,054.92 for an adjusted contract price of \$1,413,789.88 and authorize the Mayor to execute Change Order No. 2. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

Motion by Riese, seconded by Porter to approve Pay Application No. 2 submitted by Roloff Construction Inc. for Sewer Separation Phase 2 in the amount of \$296,551.03 and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese,

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

ITEM 8 E

Chris Koenig, HDR Engineering Inc. reviewed Task Order No. 3-Amendment No. 2: Plattsmouth Flood Control Study-Well No. 8. Koenig indicated that this would be through the final design, bidding and construction phase for Well No. 8. Council Member Riese asked for clarification on the fees. Koenig stated that the \$217,591.00 is all for engineering services for the project. Motion by Kerns, seconded by Riese to approve Task Order No. 3-Amendment No. 2: Plattsmouth Flood Control Study-Well No. 8. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Steve Perry, Olmsted & Perry Consulting Inc. stated that Change Order No. 3 with General Excavating for the Bestmann Drive Water and Sewer Extensions is a contract extension for completion. There is no cost involved. Motion by Riese, seconded by Tilson to approve Change Order No. 3 with General Excavating for the Bestmann Drive Water and Sewer Extensions associated with the NDOR Highway 75 Project NH-75-2(155) Plattsmouth South of the Platte River Utility Relocation Project for a time extension and authorize the Mayor to execute Change Order No. 3. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 G

Steve Perry, Olmsted & Perry Consulting Inc. stated that the Westside Commercial Subdivision Sewage Pumping Station project will be complete in about two weeks and he would be back with close-out documents, final pay request and lien waivers. Motion by Riese, seconded by Porter to approve Pay Application No. 1 submitted by Kerstens Construction Inc. for the Westside Commercial Subdivision Sewage Pumping Station in the amount of \$34,945.43 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 H

Council Member Kerns stated that he would be abstaining from any discussion or action on Items 8 H and I as his company, Kerns Excavating is the contractor on the project.

Steve Perry, Olmsted & Perry Consulting Inc. stated that Pay App No. 1 submitted by Kerns Excavating Co. Inc. for the Missouri River Boat Ramp and Park Area Repairs in the amount of \$102,287.97 is 95% of the contract amount and he recommends payment. Motion by Porter, seconded by Derby to approve Pay Application No. 1 submitted by Kerns Excavating Co. Inc. for the Missouri River Boat Ramp and Park Area Repairs in the amount of \$102,287.97 and authorize the Mayor to execute Pay Application No. 1. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Brookhouser and Tilson. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 I

Motion by Tilson, seconded by Riese to approve Change Order No. 1 submitted by Kerns Excavating Co. Inc. for the Missouri River Boat Ramp and Park Area Repairs for a decrease of \$5,651.35 due to an adjustment of quantities for site conditions for an adjusted total contract price of \$115,694.15 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 – NEW BUSINESS

ITEM 9 A

The Nebraska Masonic Home asked that their request for street closing be removed as it is no longer needed. NO ACTION TAKEN.

ITEM 9 B

Motion by Riese, seconded by Porter to approve the request of the Kass Kounty King Korn Klub for street closings for The Plattsmouth Harvest Festival to be held September 6, 2012 through September 8, 2012 (Itemized request is attached and considered part of the agenda). ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council Member Porter introduced a resolution numbered and titled: RESOLUTION NO. 12-022: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359.

Motion by Porter, seconded by Tilson to adopt RESOLUTION NO. 12-022: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359. City Attorney Roger Johnson read Resolution No. 12-022 in to the record by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Pursuant to publication, Mayor Bowman opened a public hearing at 7:30 p.m. with regard to an Application for Liquor License submitted to the Nebraska Liquor Control Commission by U Save Foods Inc. DBA No Frills Supermarkets 794, 2400 W. 8th Avenue, Plattsmouth, Nebraska. Jackie Pueppke, Baird Holm Law Firm, representing U Save Foods DBA No Frills Supermarkets spoke in

favor of the application and stated that No Frills Supermarket was acquired by U Save Foods but there were no other changes. No one else spoke in favor or opposition to the application. Mayor Bowman closed the public hearing at 7:31 p.m.

ITEM 9 E

Pursuant to publication Mayor Bowman opened a public hearing at 7:32 p.m. with regard to an Application for Liquor License submitted to the Nebraska Liquor Control Commission by 401 Main Street Inc. DBA Albo's Bar, 401 Main Street, Plattsmouth, Nebraska. Mark Morehead, owner of 401 Main Street Inc. was available for any questions. No one else spoke in favor or opposition to the application. Mayor Bowman closed the public hearing at 7:32 p.m.

ITEM 9 F

Pursuant to publication Mayor Bowman opened a public hearing at 7:33 p.m. with regard to a designation of Substandard and Blighted for property located southeast of the intersection of Highway 75 and 1st Avenue in Plattsmouth, Nebraska legally described as: PLATTSMOUTH CITY OUTLOTS LOT 74 WEST OF RAILROAD IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 12, RANGE 13, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA; AND TAX LOT 80 OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, OTWNSHIP 12, RANGE 13, EAST OF THE SIXTH PRIME MERIDIAN, EXCEPT SUB LOT 1 OF TAX LOT 80 AND EXCEPT THE NORTH 248.91 FEET OF THE EAST 175 FEET THEREOF IN CASS COUNTY, NEBRASKA; THE NORTH 248.91 FEET OF THE EAST 175 FEET OF TAX LOT 83, IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER IN SECTION 13, TOWNSHIP 12, RANGE 12, EAST OF THE SIXTH PRIME MERIDIAN, EXCEPT SUBLLOT 1 OF TAX LOT 83, IN CASS COUNTY, NEBRASKA. Bob Pelshaw, Pelshaw Group presented the BLIGHT AND SUBSTANDARD AREA DESIGNATION For The Keeler and Malcolm Properties in Plattsmouth, NE Prepared by RDG Planning & Design, Omaha NE-July 2012 to the Mayor as Exhibit 9F. No one else spoke in favor or opposition to the designation. Mayor Bowman closed the public hearing at 7:34 p.m.

ITEM 9 G

Pursuant to publication Mayor Bowman opened a public hearing at 7:35 p.m. with regard to an application by Doug Keeler for rezoning from GC (General Commercial) to PUD 1-R3 (Planned Unit Development 1/Urban Residential High Density) on property located southeast of the intersection of Highway 75 and First Avenue, Plattsmouth, legally described as Tax Lot 83, except Sub Lot 1 of Tax Lot 83, and Plattsmouth City Out Lots 74 West of Railroad. Al Povondra, Carlson West Povondra Architects representing Keeler Properties presented architectural drawings of the proposed Ridgeview Apartment Complex which will be a 225 unit apartment complex that will be done in phases. The first phase includes 54 total units. The roofs are staggered with the intention of meeting the Civic Corridor Guidelines. Scott Conley, JEO Consultants stated that Phase I includes the construction of a Retention Pond for water run-off and reviewed other aspects of the proposed project. Bob Pelshaw, Pelshaw Group stated that the plans for the project will exceed the minimum parking according to City Ordinance and also the density is well below what is

allowed by City Ordinance. No one else spoke in favor or opposition to the application. Mayor Bowman closed the public hearing at 7:59 p.m.

ITEM 9 H

Pursuant to publication Mayor Bowman opened a public hearing at 7:59 p.m. with regard to an application by Doug Keeler for rezoning from GC (General Commercial) to PUD 2-R3 (Planned Unit Development 2/Urban Residential High Density) on property located southeast of the intersection of Highway 75 and First Avenue, Plattsmouth, legally described as Tax Lot 83, except Sub Lot 1 of Tax Lot 83, and Plattsmouth City Out Lots 74 West of Railroad. No one spoke in favor or opposition to the application. Mayor Bowman closed the public hearing at 7:59 p.m.

ITEM 9 I

Pursuant to publication Mayor Bowman opened a public hearing at 8:00 p.m. with regard to an application by Doug Keeler for a Special Use Permit for Corporate Offices in a R3 Zoning District on property located southeast of the intersection of Highway 75 and First Avenue, legally described as Tax Lot 83, except Sub Lot 1 of Tax Lot 83, and Plattsmouth City Out Lots 74 West of Railroad. No one spoke in favor or opposition to the application. Mayor Bowman closed the public hearing at 8:00 p.m.

ITEM 9 J

Erv Portis City Administrator requested this item be laid over until the council has reviewed the Blight and Substandard Area Designation for the Keeler and Malcolm Properties in Plattsmouth, NE Prepared by RDG Planning and Design. Motion by Tilson, seconded by Brookhouser to lay over RESOLUTION NO. 12-023: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 K

Motion by Tilson to lay over Items K, L and M to the August 20, 2012 meeting. MOTION FAILED for lack of a second.

Council Member Kerns introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1849: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 1 OVERLAY (PUD-1); TO AMEND THE CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Kerns, seconded by Porter to approve the first reading of Ordinance No. 1849 by title only. ROLL CALL: Yes-Riese, Dugan, Tesarek, Porter and Kerns.

No-Tilson, Derby and Brookhouser. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 L

Council Member Riese introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1850: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 2 OVERLAY (PUD-2); TO AMEND THE CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Tesarek to approve the first reading of Ordinance No. 1850 by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Riese, Dugan and Tesarek. No-Brookhouser and Tilson. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 M

Motion by Tilson, seconded by Derby to layover consideration of RESOLUTION NO. 12-024. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 N

Motion by Porter, seconded by Tilson to give a favorable recommendation to the Nebraska Liquor Control Commission on the Nebraska Liquor Control Commission Application for Liquor License from U Save Foods Inc. DBA No Frills Supermarkets 794, 2400 W. 8th Avenue, Plattsmouth. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 O

Motion by Derby, seconded by Riese to give a favorable recommendation to the Nebraska Liquor Control Commission on the Nebraska Liquor Control Commission Application for Liquor License from 401 Main Street Inc. dba Albo's Bar, 401 Main Street, Plattsmouth. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 P

Motion by Tilson, seconded by Porter to authorize payment of the Southeast Nebraska Development District: Fiscal Year 2012 Housing Dues (July 1, 2012 to June 30, 2012) of \$1,951.00; and Fiscal Year 2012 Membership Dues (July 1, 2012 to June 30, 2013) of \$4,500.00. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 Q

Council Member Tilson introduced a resolution numbered and titled as follows: RESOLUTION NO. 12-025: Designating an employee of Municipality to inspect sales tax returns. Motion by Tilson, seconded by Porter to adopt RESOLUTION NO. 12-025: A RESOLUTION DESIGNATING AN EMPLOYEE OF THE MUNICIPALITY TO INSPECT SALES TAX RETURNS. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 R

Motion by Tilson, seconded by Porter to approve the appointment of Ashley Durae to the Plattsmouth EMS Department. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 S

Motion by Kerns, seconded by Tilson to approve an Interlocal Cooperation Agreement between the County of Cass, State of Nebraska and the City of Plattsmouth, State of Nebraska for the City to utilize the resources of the County's Information Services Department and to fairly compensate the County for the expense of the said service and direct the Mayor to execute the Agreement. After discussion, ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 T

Motion by Riese, seconded by Porter to approve a Commercial Lease entered into by and between the County of Cass & Cass County Sheriff's Office and the City of Plattsmouth & Plattsmouth Police Department. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 U

Motion by Brookhouser, seconded by Tilson to approve CDBG 09-DTR-101 (Downtown Revitalization Phase II) contract extension from October 14, 2012 to April 15, 2013 and authorize the Mayor to execute the documents. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 V

Council Member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 12-026: A Resolution to authorize amendments to the Plattsmouth Main Street Façade Improvement Program for Commercial Properties within the Plattsmouth Main Street Historic District funded by Community Development Block Grant (CDBG) funds granted to the City by the Nebraska Department of Economic Development.

Motion by Riese, seconded by Derby to adopt a resolution numbered and titled as follows: RESOLUTION NO. 12-026: A Resolution to authorize amendments to the Plattsmouth Main Street Façade Improvement Program for Commercial Properties within the Plattsmouth Main Street Historic District funded by Community Development Block Grant (CDBG) funds granted to the City by the Nebraska Department of Economic Development.

Erv Portis, City Administrator asked that the Resolution be made retroactive to include the contracts with Reinsch & Slattery and Russ & Kim Kathol.

Council Member Riese amended his motion to adopt a resolution numbered and titled as follows: RESOLUTION NO. 12-026: A Resolution to authorize amendments to the Plattsmouth Main Street Façade Improvement Program for Commercial Properties within the Plattsmouth Main Street Historic District funded by Community Development Block Grant (CDBG) funds granted to the City by the Nebraska Department of Economic Development retroactive to include the existing contracts with Reinsch & Slattery and Russ & Kim Kathol. The amended motion was seconded by Derby. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 W

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest to discuss contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. 8:22 p.m. Motion by Tilson, seconded by Riese to convene in Closed Session to protect the public interest to discuss contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34. 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 to discuss contract negotiations with the Plattsmouth Police Officers' Association, Fraternal Order of Police Lodge #34.

8:45 p.m. Motion by Riese, seconded by Tilson to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

8:50 p.m. Motion by Porter, seconded by Tesarek to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk