

PLATTSMOUTH CITY COUNCIL
October 1, 2012

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:10 o'clock p.m. on October 1, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: Steve Riese. 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

Mayor Bowman proclaimed October 21-27, 2012 as National Friends of Libraries Week

ITEM 6-CONSENT AGENDA:

Motion by Tilson, seconded by Brookhouser to approve the consent agenda with additional claims presented at the meeting:

- A Consider approval of September 17, 2012 City Council Meeting Minutes
- B Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 09/21/2012 not Net as before

General Admin 16,958.51

Humane 1,146.40

EMS 4,764.38

Police 29,951.66

Street 12,413.59
Public Library 6,203.05
Parks 1,766.00
Oakhill Cemetery 1,349.60
Senior Center 2,026.77
Community Center 7,127.08
Pool
Water 6,139.17
Sewer 6,003.17
CBD 570.00
TOTAL SALARIES 96,419.38

VARIOUS

AMERICAN FAMILY LIFE 215.59
PLATTSMOUTH STATE BANK 1,101.12
Petty Cash 65.54
Delta Dental 1,931.75
Blue Cross Blue Shield 35,424.63

GENERAL ADMINISTRATION

BLACK HILLS ENERGY 18.60
CASS COUNTY COURT 17.00
DANA F. COLE & COMPANY L 2,900.00
DES MOINES STAMP MFG. CO 26.95
FIRST BANKCARD 628.49
GREAT PLAINS GOVT FINANC 150.00
KONICA MINOLTA BUSINESS 21.72
League of Ne Muni 295.00
Mutual of Omaha 606.89
OLMSTED & PERRY ENGINEER 2,632.50
OMAHA PAPER COMPANY INC 50.55
PAYFLEX 40.02
PITNEY BOWES INC. 2,608.00
PSB 200.00
RDG PLANNING & DESIGN 2,200.00
STEUBE'S THRIFTWAY 4.80
The Union Central Life Ins 155.02
VERIZON WIRELESS 86.33

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 72.73
LAMBERT VET SUPPLY 69.11
NEBRASKA DEPT OF AG 150.00

POLICE

BOMGAARS SUPPLY	29.98
FIRST BANKCARD	39.86CR
HOTEL KCI LLC	464.65
JEFF HENRY CHEVROLET	342.25
KAHLER CONSTRUCTION	150.00
KONICA MINOLTA BUSINESS	6.40
LINDER TIRE & AUTO INC	118.00
LONE STAR PRODUCTS & EQU	33.40
MIDWEST MINOR MEDICAL	35.00
MULLENAX AUTO SUPPLY	18.98
NEBRASKA FURNITURE MART	1,028.83
PAYFLEX	26.68
PAYLESS OFFICE PRODUCTS	42.05
Petty Cash	31.68
PUBLIC AGENCY TRAINING C	425.00
RGS REPAIR INC	1,808.54
TILSON AUTOMOTIVE	901.63
VERIZON WIRELESS	86.66

STREET

ALLIED OIL & TIRE COMPAN	120.00CR
B SHARP TOWING	45.00
BLACK HILLS ENERGY	43.57
BOBCAT OF OMAHA	829.23
BOMGAARS SUPPLY	180.68
CONWAY OIL COMPANY	2,232.30
DEETER FOUNDRY INC	369.00
FASTENAL COMPANY	552.13
HONEYMAN RENT-ALL	327.00
MENARDS	25.84
MICHAEL TODD & COMPANY I	81.04
NEBRASKA PUBLIC POWER DI	95.23
OLMSTED & PERRY ENGINEER	234.29
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	35.99
SAFETY-KLEEN CORPORATION	381.78
STEUBE'S THRIFTWAY	1.19
VERIZON WIRELESS	132.52

LIBRARY

BAKER & TAYLOR BOOKS	1,649.26
BLACK HILLS ENERGY	20.50
BOMGAARS SUPPLY	5.99
CENTER POINT LARGE PRINT	213.90

EGAN SUPPLY CO	61.25
FIRST BANKCARD	2,851.13
KAREN MIER	95.06
MIDWEST OUTDOOR DESIGN	1,699.00
NEBRASKA PUBLIC POWER DI	859.26
O'KEEFE ELEVATOR CO INC	154.00
PARK & REC	
B SHARP TOWING	45.00
BLACK HILLS ENERGY	19.19
JOHN DEERE CREDIT	42.22
MENARDS	161.99
NEBRASKA PUBLIC POWER DI	108.93
OMAHA PAPER COMPANY INC	33.73
VERIZON WIRELESS	34.49
CEMETERY	
NEBRASKA PUBLIC POWER DI	34.56
PAYFLEX	6.66
FIRE	
Alert-All	1,850.00
BLACK HILLS ENERGY	23.87
First Bankcard	1148.04
Fort Dearborn Life	189.20
NEBRASKA PUBLIC POWER DI	318.02
PRO CHRYSLER DODGE JEEP	170.36
SENIOR CITIZEN CTR	
BLACK HILLS ENERGY	18.99
FOUR STAR LAUNDRY	103.44
STEUBE'S THRIFTWAY	698.16
THE THOMPSON COMPANY	5,862.23
United States Post Office	88.00
WINDSTREAM	112.98
COMMUNITY CENTER	
ALLISON WELCH	225.00
AMERICAN RED CROSS HEART	105.00
BLACK HILLS ENERGY	170.91
BOMGAARS SUPPLY	62.75
CHARTER BUSINESS	194.74
DAVE STEINKRUGER	25.00
DEBBIE BAGGENSTOSS	150.00
DIANA L. POGREBA	50.00
EGAN SUPPLY CO	198.84
FASTENAL COMPANY	22.63
FERGUSON ENTERPRISES	109.31

FIRST BANKCARD	24.83
FISERV	187.50
FOUR STAR LAUNDRY	98.10
JOHN'S APPLIANCE	13.94
JOYCE HICKS	225.00
KAREN MOREHEAD	175.00
KELLEY STEELE	175.00
KEVEN JENSEN	61.26
LINDA HAUENSTEIN	100.00
MAIN STREET JEWELERS	245.48
MECHANICAL SALES INC	168.75
MICHAEL ANZALONE	90.00
MICHELLE MCKNIGHT	25.00
MID-STATES SUPPLY COMPAN	115.00
NEBRASKA AIR FILTER INC	219.98
Nova	1,908.42
PAYFLEX	6.66
PROFESSIONAL AUTO REPAIR	185.00
SAM'S	189.22
SARAH ASCHENBRENNER	162.50
SHARI BARRIOS	30.00
THOMAS WOODS	975.00
VERIZON WIRELESS	65.64
VERNE SIMMONDS CO	341.73
WINDSTREAM	338.94
AQUATIC	
ALLIED OIL & TIRE COMPAN	264.75
AQUA CHEM INC	881.15
BLACK HILLS ENERGY	20.39
ECONOMIC DEVELOPMENT	
BOMGAARS SUPPLY	182.17
CASS COUNTY REGISTER OF	20.50
INDEPENDENT HEATING & AI	1,682.00
MENARDS	109.96
OLMSTED & PERRY ENGINEER	2,273.03
SEAL RITE INSULATION INC	546.00
Economic Dev DTR	
Reisch, Slattery, Bear	3,989.70
DEBT	
Water & Sewer Dept	6,113.22
EMS	
BLACK HILLS ENERGY	23.88
HEARTLAND TECHNOLOGY SOL	460.00

NEBRASKA PUBLIC POWER DI 318.02
Pro Shirt Shop 3.063.00

WATER

ANTHONY CICIRELLO 19.32
BLACK HILLS ENERGY 39.10
BOMGAARS SUPPLY 52.97
HAWKINS INC 430.50
HDR ENGINEERING INC 15,168.84
MISSISSIPPI LIME COMPANY 3,307.50
NEBRASKA PUBLIC POWER DI 115.07
OLMSTED & PERRY ENGINEER 652.80
PAYFLEX 6.66
RWD #1 600.00
UTILITY EQUIPMENT COMPAN 1,000.98
VERIZON WIRELESS 99.39
VESSCO INC 496.89
Wentx 750.00

SEWER

ANTHONY CICIRELLO 25.93
BLACK HILLS ENERGY 308.59
BOMGAARS SUPPLY 240.07
Darlene Block 467.34
DEETER FOUNDRY INC 995.10
DPC INDUSTRIES INC 45.00
FERGUSON ENTERPRISES 219.99
MICHAEL TODD & COMPANY I 94.24
OLMSTED & PERRY ENGINEER 1,712.90
PAYFLEX 6.66
PAYLESS OFFICE PRODUCTS 159.73
ROTO-SNAKE 250.00
USA BLUEBOOK 192.30
VERIZON WIRELESS 33.13
20 CSO PROJECT (CLEAN WATER SRF)
ANTHONY CICIRELLO 8.56
22 CSO PROJECT PHASE II
ANTHONY CICIRELLO 12.31
HDR ENGINEERING INC 28,634.12
32 WESTSIDE
OLMSTED & PERRY ENGINEER 1,190.50

Total Claims 171,041.46

Total Claims and Salaries 267,460.84

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

ITEM 7-UNFINISHED BUSINESS

ITEM 7 A

Motion by Kerns, seconded by Brookhouser to approve Change Order No. 4 submitted by Roloff Construction, Inc. for the Sewer Separation Phase 2 project with an increase of \$1,374.77 for an adjusted contract price of \$1,450,836.80 and authorize the Mayor to execute Change Order No. 4. ROLL CALL: Yes-Tilson, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Riese, Abstain-None. MOTION CARRIED.

ITEM 7 B

Motion by Porter, seconded by Kerns to approve Pay Application No. 4 submitted by Roloff Construction Inc. for Sewer Separation Phase 2 in the amount of \$167,512.43 and authorize the Mayor to execute Pay Application No. 4. ROLL CALL: Yes-Brookhouser, Tilson, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8-NEW BUSINESS

ITEM 8 A

Council Member Kerns stated that he would be abstaining from any discussion or action on this item as he is the president and major share holder of Kerns Excavating.

Motion by Tilson, seconded by Porter to approve payment of an invoice submitted by Kerns Excavating Co. in the amount of \$180.00 for equipment use to empty the digester lid at the Wastewater Treatment Plant. ROLL CALL: Yes-Tesarek, Derby, Porter, Brookhouser, Tilson and Dugan. No-None. Absent-Riese. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Motion by Tilson, seconded by Brookhouser to receive and accept notice of Cessation or Interruption of Operations from Shari Colabella, President, SSRJ Inc. dba Plattsmouth Keno; and grant further cessation and interruption of operations through October 15, 2012. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Dugan, Tesarek and Derby. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Kerns, seconded by Tilson to grant the Nebraska Department of Environmental Quality a right of entry to Rhylander Park for the purpose of conducting a Phase II Environmental Site Assessment; and authorize the Mayor to execute the Right of Entry Access

Agreement contingent on naming the City of Plattsmouth as additional insured and subject to dates and times. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Dugan and Tesarek. No-None. Absent-Riese, Abstain-None. MOTION CARRIED.

ITEM 8 D

Motion by Dugan, seconded by Porter to approve the Nebraska Department of Roads Maintenance Agreement No. 21 which covers the period from January 1, 2013 through December 31, 2013. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Dugan, Tesarek, Derby and Porter. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 E

Motion by Kerns, seconded by Derby to receive Bev Harter's resignation from the Library Board with regrets. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 F

Motion by Kerns, seconded by Porter to approve Mayor Bowman's nomination of John Hurst to the Library Board to complete the unexpired term of Bev Harter. After discussion, ROLL CALL: Yes-Brookhouser, Dugan, Tesarek, Derby, Porter and Kerns. No-Tilson with regrets. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 G

Council Member Dugan introduced a resolution numbered and titled: **RESOLUTION NO. 12-032: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 611 13th AVENUE, PLATTSMOUTH, NEBRASKA**

Motion by Dugan, seconded by Tesarek to adopt:

RESOLUTION NO. 12-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 611 13th AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 611 13th Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$2053.44; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines

that the City's abatement of the nuisance at 611 13th Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130016462 LOT FOUR (4) IN J.M. DOVES SUBDIVISION OF LOT ONE HUNDRED FOURTEEN (114), SECTION NINETEEN (19), TOWNSHIP TWELVE (12), NORTH, RANGE FOURTEEN (14), EAST OF THE 6TH P.M., CITY OF PLATTSMOUTH, CASS COUTNY, NEBRASKA specially benefitted the same in the amount of \$2053.44 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-032 in to the record. ROLL CALL: Yes-Tilson, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 H

Council Member Dugan introduced a resolution numbered and titled: **RESOLUTION NO. 12-033: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1305 17th AVENUE, PLATTSMOUTH, NEBRASKA**

Motion by Dugan, seconded by Tesarek to adopt:

RESOLUTION NO. 12-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1305 17th AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 1305 17th Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$1266.94; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1305 17th Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130001163 Lot 38 in the NE ¼ of the SE ¼ of Section 24, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska, Out Lot to the City of Plattsmouth, Cass County, Nebraska, reserving a strip thirty feet in width off the North end of the land herein to be used for public road specially benefitted the same in the amount of \$1266.94 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-033 in to the record. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Dugan, Tesarek and Derby. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 I

Council Member Brookhouser introduced a resolution numbered and titled: **RESOLUTION NO. 12-034: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1617 3rd AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Porter to adopt:

RESOLUTION NO. 12-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1617 3rd AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 1617 3rd Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$798.88; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1617 3rd Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130011886 North 103 feet of Lots 5 and 6 in Block 30 in Duke's Addition to the City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$798.88 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-034 in to the record. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Dugan. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 J

No Action Taken on Resolution No. 12-035 as the fee of \$163.88 which was incurred for the correction of a nuisance threat at 722 Avenue E was paid on October 1, 2012.

ITEM 8 K

Council Member Kerns introduced a Resolution numbered and titled: **RESOLUTION NO. 12-036: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1109 9th AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Kerns, seconded by Tilson to adopt:

RESOLUTION NO. 12-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1109 9th AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 1109 9TH Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$323.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1109 9th Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130019232 PARTS OF LOTS 12 & 13, IN PATRICIA HEIGHTS, AN ADDITION TO THE CITY OF PLATTSMOUTH, AS SURVEYED, PLATTED AND RECORDED IN CASS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 79.04 FEET WEST OF THE NORTHEAST CORNER OF LOT 13; THENCE EAST ALONG THE NORTH LINE OF LOT 13 FOR A DEISTANCE OF 50 FEET TO A POINT OF 29.04 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 13; THENCE SOUTHERLY FOR A DISTANCE OF 128.14 FEET TO A POINT 62.42 FEET EAST OF THE SOUTHWEST CORNER OF LOT 12; THENCE WESTERLY FOR A DISTANCE OF 50 FEET TO A POINT 12.42 FEET EAST OF THE SOUTHWEST CORNER OF LOT 12; THENCE NORTHERLY FOR A DISTANCE OF 128.14 FEET TO THE POINT OF BEGINNING, CASS COUTNY, NEBRASKA specially benefitted the same in the amount of \$323.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-036 in to the record. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 L

Council Member Brookhouser introduced a Resolution numbered and titled: **RESOLUTION NO. 12-037: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5TH STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Tilson to adopt:

RESOLUTION NO. 12-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5TH STREET, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 415 South 5th Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$211.95; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 415 South 5th Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130059455 The North half of Lot 7, Block 62, City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$211.95 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of

seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-037 in to the record. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Dugan, Tesarek, Derby and Porter. No-None. Absent-Riese, Abstain-None. MOTION CARRIED.

ITEM 8 M

Council Member Dugan introduced a Resolution numbered and titled: **RESOLUTION NO. 12-038: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1617 3rd AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tesarek to adopt:

RESOLUTION NO. 12-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1617 3rd AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 1617 3rd Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$273.45; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1617 3rd Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130011886 North 103 feet of Lots 5 and 6 in Block 30 in Duke's Addition to the City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$273.45 and that said amount is hereby levied against said property which shall be

due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-038 in to the record. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Dugan and Tesarek. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 N

No Action Taken on Resolution No. 12-039 as the fee of \$311.95 which was incurred for the correction of a nuisance threat at 217 South 6th Street was paid on October 1, 2012.

ITEM 8 O

Council Member Brookhouser introduced a Resolution numbered and titled: **RESOLUTION NO. 12-040: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1110 MAIN STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Kerns to adopt:

RESOLUTION NO. 12-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1110 MAIN STREET, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 1110 Main Street failed to correct a nuisance threat following

notice to do so and the City abated the same at a cost of \$323.45; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1110 Main Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130008915 Part of Lots 6 and 7 and the vacated alley lying between said Lots 6 and 7 in Block 29, Young and Hays Addition to the City of Plattsmouth, Cass County, Nebraska, described as follows: Beginning at a point 31 ¼ East of the southwest corner of said Lot 6, thence North 75 feet, thence East 54 ½ feet, thence South 18 ¼ feet, thence East 10 ½ feet, thence South 56 ¾ feet to the south line of said Lot 7, thence West to the Point of Beginning and Except the West 3.65' of the S 75' of the E ½ of said Lot 6 specially benefitted the same in the amount of \$323.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-040 in to the record. ROLL CALL: Yes-Tilson, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 P

Council Member Dugan introduced a Resolution numbered and titled: **RESOLUTION NO. 12-041: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 816 SOUTH 9TH STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tesarek to adopt:

RESOLUTION NO. 12-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 816 SOUTH 9TH STREET, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 816 South 9th Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$311.95; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 816 South 9th Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130002267 S 49' of Sublot 4 of 74 in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 18-12-14 East of 6th P.M. Cass County, Nebraska specially benefitted the same in the amount of \$311.95 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-041 in to the record. ROLL CALL: Yes-Brookhouser, Tilson, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 Q

Council Member Brookhouser introduced a Resolution numbered and titled: **RESOLUTION NO. 12-042: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 812 CHICAGO AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Tilson to adopt:

RESOLUTION NO. 12-042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 812 CHICAGO AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 812 Chicago Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$1713.45; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 812 Chicago Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130393324 A tract of land located in part of Lot One (1), of the Replat of Lot One (1) and Sublot One (1) of Forty-Six (46), Oakmont Estates, being a part of the Southeast Quarter of the Southeast Quarter of Section 13, Township 12 North, Range 13 East of the 6th P.M., Cass County, Nebraska, being more particularly described as follows:

Considering the South line of Oakmont Addition as bearing S86°36'24" E and with all bearings contained herein relative thereto:

Commencing at the Southeast corner of Oakmont Addition; thence Southwesterly along the West Right-of-Way line of Chicago Avenue S35°59'18" W 50.0 feet to a point; thence leaving said line and continuing Westerly S88°19'57" W 159.37 feet to a point; thence Southwesterly S41°03'33" W 96.7 feet to a point; thence Southwesterly S60°01'22" W 37.51 feet to a point; thence Southwesterly parallel to the West Right-of-Way line of Chicago Avenue S35°59'18" w 165.67 feet to a point; thence Westerly N89°34'42" W 256.83 feet to a point on the West line of said Sublot One (1) of Forty-Six (46); thence Northerly along said West line of Sublot One (1) N00°14'25" E 333.74 feet to a point, said point being the Northwest corner of said Sublot One (1) of Forty-Six (46); thence Easterly along the North line of said Sublot One (1) S89°36'24" E 242.38 feet to a point; thence Southerly S01°18'36" E 273.40 feet to the true Point of Beginning, SUBJECT TO NEW SURVEY, as surveyed, platted and recorded in Cass County, Nebraska specially benefitted the same in the amount of \$1713.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-042 in to the record. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Dugan, Tesarek and Derby. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 8 R

Council Member Tilson introduced a Resolution numbered and titled: **RESOLUTION NO. 12-043: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 811 AVENUE E, PLATTSMOUTH, NEBRASKA.**

Motion by Tilson, seconded by Brookhouser to adopt:

RESOLUTION NO. 12-043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 811 AVENUE E, PLATTSMOUTH, NEBRASKA.

WHEREAS, the owner of 811 Avenue E failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$523.45; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 811 Avenue E, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130060356 LOT 3, BLOCK 97, CITY OF PLATTSMOUTH, CASS

COUNTY, NEBRASKA specially benefitted the same in the amount of \$523.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 20, 2013, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 20, 2012, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 1st day of October 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 12-043 in to the record. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-Riese. Abstain-None. MOTION CARRIED.

ITEM 11

7:59 p.m. Motion by Tesarek, seconded by Tilson to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk