

PLATTSMOUTH CITY COUNCIL  
January 7, 2013

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:08 o'clock p.m. on January 7, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Steve Riese, Wanda Wiemer and Doug Derby. Council Members Absent: Terry D. Tilson and Pat Dugan. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Treasurer Peggy Wilsey and City Attorney Roger Johnson.

Notice of this meeting was given in advance by publication in the Plattsmouth Journal. Proof of publication along with the Mayor and Council's Acknowledgment of Receipt of Notice are on file. All proceedings hereafter shown were taken while the convened meeting was open to the public.

The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act and a copy of all documents being discussed at the meeting were available for inspection and indicated the location of such copies in the room where the meeting was being held.

ITEM 4-CITIZEN DELEGATION

Charles Jones, Executive Director of Plattsmouth Main Street Association updated the Mayor and Council on activities on Main Street: 1 new business; 1 business is relocating to Main Street from South 6<sup>th</sup> Street; and 1 business is under new management.

ITEM 5-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 6-CONSENT AGENDA:

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

- A Consider approval of December 17, 2012 City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by KRT Land Co. for a Chamber Award Banquet being held at St. John's School, 518 South 18<sup>th</sup> Street, Plattsmouth NE on January 25, 2013 from 12:30 p.m. to 11:50 p.m.
- C Consider approval of claims

## CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES and Longevity pay 12/14/2012 not Net as before

General Admin 18,198.44

Humane 1,289.60

EMS 7,801.12

Police 41,067.64

Street 17,896.40

Public Library 8,620.16

Parks 179.99

Oakhill Cemetery 1,916.80

Senior Center 2,132.68

Community Center 8,467.63

Pool

Water 9,103.37

Sewer 8,904.16

CBD 570.00

TOTAL SALARIES 126,147.99

### NO DEPT ENTERED

MUTUAL OF OMAHA	60.81
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
UNITED STATES LIFE INSUR	30.40
BLUE CROSS BLUE SHIELD	39,547.62
DELTA DENTAL PLAN	55.40
MUTUAL OF OMAHA	728.76
PLATTSMOUTH STATE BANK	1,101.12
THE UNION CENTRAL LIFE I	155.02
UNITED STATES LIFE INSUR	107.21

### GENERAL ADMINISTRATION

BLACK HILLS ENERGY	856.43
CASS COUNTY TREASURER	13,836.12
DELTA DENTAL PLAN	298.65

FIRST BANKCARD	67.69
KATHRYN SHARP	125.00
KONICA MINOLTA BUSINESS	193.59
KONICA MINOLTA PREMIER F	296.16
MENARDS	440.90
NEBRASKA STATE TREASURER	524.98
PAPILLION SANITATION	48.50
PAYFLEX	40.02
PAYLESS OFFICE PRODUCTS	264.85
PITNEY BOWES INC.	108.00
RDG PLANNING & DESIGN	1,600.00
STEPHEN C. WARGA	9.00
VERIZON WIRELESS	85.55
HUMANE/CODE ENFORCEMENT	
BOMGAARS SUPPLY	72.88
DELTA DENTAL PLAN	55.40
FIRST BANKCARD	11.49
HEARTS UNITED	225.00
LAMBERT VET SUPPLY	565.17
NEBRASKA HUMANE SOCIETY	35.00
POLICE	
AMERITAS LIFE INSURANCE	1,160.00
CORY SCOTT	19.78
DEBRA S FLAHERTY	315.50
DELTA DENTAL PLAN	674.35
FIRST BANKCARD	273.69
GALLS	68.97
JACK'S UNIFORMS & EQUIPM	1,727.49
JEFF HENRY CHEVROLET	328.72
KONICA MINOLTA BUSINESS	43.31
KONICA MINOLTA PREMIER F	197.60
O'REILLY AUTOMOTIVE INC	19.48
PAYFLEX	26.68
PROJECT HARMONY	150.00
REID RICHTER	157.29
VERIZON WIRELESS	71.56
STREET	
B SHARP TOWING	50.00
BLACK HILLS ENERGY	386.33
BOMGAARS SUPPLY	277.23
DELTA DENTAL PLAN	320.30

IMPACT MANUFACTURING	249.71
JOHN DEERE CREDIT	106.42
MARK HYDRAULIC CO INC	184.44
MENARDS	367.51
MICHAEL TODD & COMPANY I	712.50
MIDWEST SERVICE & SALES	938.40
NEBRASKA PUBLIC POWER DI	87.44
OMAHA DOOR & WINDOW COMP	173.00
PAPILLION SANITATION	117.66
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	74.16
SUPERIOR SIGNALS	748.37
TERRY LINDSEY	273.93
VERIZON WIRELESS	131.00

LIBRARY

BAKER & TAYLOR BOOKS	768.67
BLACK HILLS ENERGY	102.14
CASS COUNTY TREASURER	2,232.50
CENTER POINT LARGE PRINT	213.90
CHARTER BUSINESS	16.00
D & D LASER INC	99.75
DELTA DENTAL PLAN	110.80
FIRST BANKCARD	1,339.85
GALE	53.00
KONICA MINOLTA BUSINESS	77.20
KONICA MINOLTA PREMIER F	197.60
NEBRASKA PUBLIC POWER DI	458.26
O'KEEFE ELEVATOR CO INC	154.00
PAPILLION SANITATION	14.56
SAVAGE PLUMBING LLC	304.95

PARK & REC

Metal Roof and Wall Systems	263.69
BLACK HILLS ENERGY	127.71
BOMGAARS SUPPLY	7.47
JOHN DEERE CREDIT	1.01
LINDER TIRE & AUTO INC	65.00
NEBRASKA PUBLIC POWER DI	96.96
PAPILLION SANITATION	107.62
PAYLESS OFFICE PRODUCTS	12.37
VERIZON WIRELESS	32.75

CEMETERY

DELTA DENTAL PLAN	55.40
NEBRASKA PUBLIC POWER DI	49.25
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	20.17
TILSON AUTOMOTIVE	487.03

FIRE

BLACK HILLS ENERGY	82.04
FORT DEARBORN LIFE INSUR	182.32
FOUR STAR LAUNDRY	7.12
KATHRYN SHARP	200.00
NEBRASKA PUBLIC POWER DI	226.09
PAPILLION SANITATION	14.56

SENIOR CITIZEN CTR

BLACK HILLS ENERGY	264.32
CIT TECHNOLOGY	298.02
DELTA DENTAL PLAN	21.65
FOUR STAR LAUNDRY	104.53

COMMUNITY CENTER

ALLISON WELCH	87.50
AQUA CHEM INC	396.15
BLACK HILLS ENERGY	2,378.89
CECILIA A GUERRA	100.00
CHARTER BUSINESS	333.93
CI SOLUTIONS	563.00
DAVE STEINKRUGER	50.00
DEBBIE BAGGENSTOSS	137.50
DELTA DENTAL PLAN	77.05
DIANA L. POGREBA	75.00
EGAN SUPPLY CO	379.52
FISERV	187.50
HEARTLAND TECHNOLOGY SOL	276.00
JOYCE HICKS	175.00
KAREN MOREHEAD	25.00
KELLEY STEELE	50.00
KONICA MINOLTA BUSINESS	83.13
KONICA MINOLTA PREMIER F	278.83
LINDA HAUENSTEIN	100.00
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	50.00
NE DEPT OF LABOR-SAFETY	100.00

PAPILLION SANITATION	101.00
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	64.74
SARAH ASCHENBRENNER	100.00
SEI SECURITY EQUIPMENT	444.00
THE LIFEGUARD STORE, INC	490.19
VERIZON WIRELESS	64.86
AQUATIC	
BLACK HILLS ENERGY	18.60
WINDSTREAM	23.64
ECONOMIC DEVELOPMENT	
NORTH SEA FILMS INC	2,354.00
PLATTSMOUTH MAIN STREET	5,000.00
ECONOMIC DEV - DTR PHASE 2	
SOUTHEAST NE DEV DISTRIC	1,837.13
CEMETERY	
PLATTSMOUTH STATE BANK	16,057.46
EMS	
ALADTEC INC	1,395.00
BLACK HILLS ENERGY	82.04
DELTA DENTAL PLAN	77.05
FOUR STAR LAUNDRY	7.13
KATHRYN SHARP	200.00
LA POLICE GEAR INC	1,531.92
LIFE-ASSIST INC	1,310.03
MATHESON TRI-GAS INC	290.76
METRO BILLING SERVICES	187.00
NEBRASKA PUBLIC POWER DI	226.09
PAPILLION SANITATION	14.58
PREMIER HEALTH CARE SERV	2,500.00
RUFFNER PHARMACY	187.00
VERIZON WIRELESS	151.38
WATER DEPARTMENT	
AMERICAN WATER WORKS	170.00
BLACK HILLS ENERGY	153.59
BOMGAARS SUPPLY	269.12
CASS COUNTY REGISTER OF	31.00
CASS COUNTY TREASURER	4,018.50
CIACCIO ROOFING	900.00
DELTA DENTAL PLAN	175.75

GRAINGER	253.00
HAWKINS INC	231.00
HDR ENGINEERING INC	13,268.04
HIGGINS HARDWARE	13.90
JOHN'S APPLIANCE	24.50
KNIGHT TRUCKING LLC	678.21
MARK MOREHEAD CONSTRUCTI	300.00
MENARDS	38.92
MISSISSIPPI LIME COMPANY	3,246.75
MULLENAX AUTO SUPPLY	137.61
NEBRASKA PUBLIC HEALTH E	174.00
NEBRASKA PUBLIC POWER DI	1,581.30
ONE CALL CONCEPTS INC	30.15
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	81.77
PLATTSMOUTH READY MIX IN	2,123.98
SCHONSTEDT INSTRUMENT CO	302.38
SHERWIN WILLIAMS	269.44
U.S. POSTAL SERVICE	55.00
USA BLUEBOOK	128.09
UTILITY EQUIPMENT COMPAN	274.87
VERIZON WIRELESS	131.00
WATER DEPARTMENT-PETTY C	478.73

SEWER DEPARTMENT

BLACK HILLS ENERGY	648.48
BOMGAARS SUPPLY	318.99
CASS COUNTY TREASURER	2,679.00
DELTA DENTAL PLAN	166.20
EVA REED	345.43
GENERAL FIRE & SAFETY	1,165.00
MENARDS	69.97
NDEQ - FISCAL SERVICES	150.00
NEBRASKA PUBLIC POWER DI	53.24
ONE CALL CONCEPTS INC	30.15
PAPILLION SANITATION	41.21
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	83.51
RAILROAD MANAGEMENT COMP	566.50
RGS REPAIR INC	466.77
U.S. POSTAL SERVICE	55.00
UTILITY EQUIPMENT COMPAN	52.90

WINDSTREAM	94.41
DRUG FORFEITURE	
VERIZON WIRELESS	224.51
CSO PROJECT (CLEAN WATER SRF)	
HDR ENGINEERING INC	5,320.74
.05% SALES TAX STREET/SIDE MAINT	
BOMGAARS SUPPLY	12.78
DELTA DENTAL PLAN	21.65
Total Claims	164,014.14
Total Claims and Salaries	290,162.13

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

#### ITEM 7-UNFINISHED BUSINESS

##### ITEM 7 A

Motion by Riese, seconded by Derby to authorize the publication of notice and solicitation of sealed bids for the removal and abandonment of Wells 1, 2 and 3; construction of a well house, including furnishings and installing the pump, building, and electrical (Well No. 8); construction of a new water main; construction of overhead electrical service to the well; and site grading. Council Member Kerns stated that he would be abstaining from any discussion or action on this item as his company is a potential bidder. ROLL CALL: Yes-Brookhouser, Riese, Wiemer, Derby and Porter. No-None. Absent-Tilson and Dugan. Abstain-Kerns. MOTION CARRIED.

##### ITEM 7 B

Steve Perry, Olmsted & Perry Consulting Engineers Inc. reviewed the project and the need for the passage of Resolution No. 13-007. Motion by Riese, seconded by Brookhouser to approve RESOLUTION NO. 13-007:

#### RESOLUTION NO. 13-007

WHEREAS, the City of Plattsmouth will utilize Federal-aid Surface Transportation (STP) for the 4<sup>th</sup> Avenue - 16<sup>th</sup> Street to Hillcrest Drive NDOR Project No. URB-6404(1) CN 22313 Project for the year 2013; and

WHEREAS, the minimum design standards according to the Rule and Regulations of the Board of Public Classifications and Standards, Title 428 of the Nebraska Administrative Code, require specific criteria for collector and local roads for vertical and horizontal curve designs, and maximum street grades; and



WHEREAS, the existing 4<sup>th</sup> Avenue right-of-way, topography along with the current street intersection geometry do not provide the conditions to construct the horizontal and vertical alignment to meet the minimum design requirements; and

WHEREAS, the City of Plattsmouth is seeking the relaxation of the design standards to allow the City to proceed with this project without meeting the referenced minimum horizontal and vertical curve design standards.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, that the request to seek the relaxation of the minimum design standards in hereby approved.

BE IT FURTHER RESOLVED, that the Street Superintendent is hereby authorized and directed to execute such request on behalf of the City of Plattsmouth.

Adopted by the City Council of the City of Plattsmouth, Nebraska this 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman. Mayor

Attest:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-007 in to the record. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese and Wiemer. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8-NEW BUSINESS

ITEM 8 A

Council Member Brookhouser introduced a resolution numbered and titled: **RESOLUTION NO. 13-001: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 421 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Kerns to adopt:

**RESOLUTION NO. 13-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 421 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 421 Hillcrest Drive failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$623.45; 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 421 Hillcrest Drive, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130016950 Lot 13, Hillcrest subdivision of Hay's Addition of the City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$623.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than February 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 26, 2013, 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 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-001 in to the record. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Wiemer and Derby. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 B

Council Member Riese introduced a resolution numbered and titled: **RESOLUTION NO. 13-002: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Brookhouser to adopt:

**RESOLUTION NO. 13-002**

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

WHEREAS, the owner of 415 South 5<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$311.45; 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 415 South 5<sup>th</sup> 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 \$311.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than February 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 26, 2013, 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 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-002 in to the record. ROLL CALL: Yes-Brookhouser, Riese, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council Member Wiemer introduced a resolution numbered and titled: **RESOLUTION NO. 13-003: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**

**PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 205 SOUTH 23<sup>RD</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Wiemer, seconded by Riese to adopt:

**RESOLUTION NO. 13-003**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 205 SOUTH 23<sup>RD</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 205 South 23<sup>rd</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$1023.00; 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 205 South 23<sup>rd</sup> Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130395589 LOT 1, WINTERSET ADDITION – REPLAT II, AN ADMINISTRATIVE SUBDIVISION, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA specially benefitted the same in the amount of \$1023.00 and that said amount is hereby levied against said property which shall be due in a single payment not later than February 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 26, 2013, 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 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-003 in to the record. ROLL CALL: Yes-Riese, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 D

Council Member Wiemer introduced a Resolution numbered and titled: **RESOLUTION NO. 13-004: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 426 AVENUE A, PLATTSMOUTH, NEBRASKA.**

Motion by Wiemer, seconded by Riese to adopt:

**RESOLUTION NO. 13-004**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 426 AVENUE A, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 426 Avenue A failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$533.45; 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 426 Avenue A, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130004030 Lot 9, Block 18, City of Plattsmouth, as surveyed, platted and recorded, Cass County, Nebraska specially benefitted the same in the amount of \$533.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than February 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 26, 2013, 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 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-004 in to the record. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Wiemer, Derby and Porter. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 E

Council Member Riese introduced a Resolution numbered and titled: **RESOLUTION NO. 13-005: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 619 SOUTH 7<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Wiemer to adopt:

**RESOLUTION NO. 13-005**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 619 SOUTH 7<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 619 South 7<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$473.45; 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 619 South 7<sup>th</sup> Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130002291 The North 121.5' of the South 246.5' of Outlots 55 and 56 in the SW ¼ of the SW ¼ of Section 18-12-14, City of Plattsmouth, Cass County, Nebraska specially benefitted the same in the amount of \$473.45 and that said amount is hereby levied against said property which shall be due in a single payment not later than February 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 26, 2013, 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 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-005 in to the record. ROLL CALL: Yes-Wierner, Derby, Kerns, Brookhouser and Riese. No-Porter. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 F

Council Member Brookhouser introduced a Resolution numbered and titled: **RESOLUTION NO. 13-006: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1232 CLINTON STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Brookhouser, seconded by Riese to adopt:

**RESOLUTION NO. 13-006**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1232 CLINTON STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 1232 Clinton Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$723.45; 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 1232 Clinton Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL 130306703 Lots 5 and 6, Block 28, South Park Addition to the City of Plattsmouth, as surveyed, platted and recorded in Cass County, Nebraska, along with a portion of 13<sup>th</sup> Avenue, (Cass Street), lying South of Block 28 South Park Addition, from the Westerly right of way line of Clinton Street, thence West of the Easterly line of Nancy's Subdivision and the Easterly line of part of Sublot 3 of Lot 46, also being the East line of Kendel Height's extended Northerly adjacent theretospecially benefitted the same in the amount of \$723.45 and that said amount is hereby levied against said property which shall be due in a

single payment not later than February 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before February 26, 2013, 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 7<sup>th</sup> day of January 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-006 in to the record. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese and Wiemer. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

#### ITEM 8 G

Pursuant to publication, Mayor Bowman opened a public hearing at 7:38 p.m. with regard to a proposed ordinance of the City of Plattsmouth, Nebraska enacting 5-6.1 of the Land Development Ordinance, creating the Downtown Plattsmouth Historic District; establishing supportive overlay zoning within the Plattsmouth Land Development Ordinance, amending the Plattsmouth Zoning Map; and allowing for severability of provision. Erv Portis, City Administrator spoke in favor. Harlan Seyfer, 1103 Happy Hollow, Plattsmouth representing the Historic Preservation Board and as Historian for the Plattsmouth Main Street Association, spoke in favor. Charles Jones, Executive Director of the Plattsmouth Main Street Association spoke in favor. No one else spoke. The Mayor closed the public hearing at 7:43 p.m.

#### ITEM 8 H

Pursuant to publication, Mayor Bowman opened a public hearing at 7:44 p.m. with regard to the proposed annexation of land to the City of Plattsmouth, described as: (A) A parcel of land being situate in part of the Northwest (NW1/4) of the Northwest (NW1/4) of Section 13, Township 12 North, Range 13 East of the 6<sup>th</sup> Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southwest corner of Tax Lot 86 being the point of beginning; thence N00°00'00"E a distance of 462.26 feet along west line of said Tax



Lot 86; thence S89°36'08"W a distance of 121.00 feet along line of said Tax Lot 86; thence N0°00'00"E a distance of 505.65 feet along the west line of said Tax Lot 86; thence N89°47'32"E a distance of 593.80 feet along the north line of said Tax Lot 86 to a point on the westerly right-of-way line of State Highway 75; thence southerly along the westerly right-of-way line of State Highway 75 to the northwest corner of Sublot 4 of Tax Lot 36 (replatted), thence continuing south along the east line of said Sublot 4 to the northeast corner of Bestmann Addition, thence continuing south along the east line of Bestmann Addition to the southeast corner of said addition, thence west along the south line of said addition to the southwest corner of Bestmann Addition, thence S89°36'13"W a distance of 124.83 feet along the south line of said Tax Lot 86 to the point of beginning. Said parcel contains 12.3 acres, more or less; (B) A parcel of land being situate in part of the Southeast (SE1/4) of the Northeast (NE1/4) and the Northeast (NE1/4) of the Southeast (SE1/4) of Section 14, Township 12 North, Range 13 East of the 6<sup>th</sup> Principal Meridian, Cass County, Nebraska being more particularly described as follows: Commencing at the southeast corner of Tax Lot 1 being the point of beginning; thence south along the east line of Tax Lot 1 to the southeast corner of Tax Lot 1, thence continuing south along the east line of Tax Lot 15 (NE1/4,SE1/4) a distance of 594 feet, thence west along and parallel to the north line of Tax Lot 15, 990 feet; thence north along and parallel to the east line of Tax Lot 15 a distance of 594 feet to the southwest corner of Tax Lot 14 thence north along the west line of Tax Lot 14 to the northwest corner of Tax Lot 14, thence east along the north line of Tax Lots 1, 11, and 14 to the point of beginning. Said parcel contains 43.5 acres, more or less. Erv Portis, City Administrator spoke in favor. No one else spoke. The Mayor closed the public hearing at 7:45 p.m.

#### ITEM 8 I

Council Member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1855: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, ENACTING 5-6.1 OF THE LAND DEVELOPMENT ORDINANCE, CREATING THE DOWNTOWN PLATTSMOUTH HISTORIC DISTRICT; ESTABLISHING SUPPORTIVE OVERLAY ZONING WITHIN THE PLATTSMOUTH LAND DEVELOPMENT ORDINANCE, AMENDING THE PLATTSMOUTH ZONING MAP; ALLOWING FOR SEVERABILITY OF PROVISIONS; TO REPEAL ALL ORDINANCES IN CONFLICT, TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Riese, seconded by Derby to approve first reading of Ordinance No. 1855. ROLL CALL: Yes-Brookhouser, Riese, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED. City Attorney, Roger Johnson read Ordinance No. 1855 in to the record by title only.

#### ITEM 8 J

Council Member Porter introduced an ordinance numbered and title as follows: **ORDINANCE NO. 1856: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ANNEXING CERTAIN LANDS ADJACENT TO THE CITY OF PLATTSMOUTH, NEBRASKA AND DEFINING THE BOUNDARIES THEREOF AS FOLLOWS: TRACT 1: A PARCEL OF LAND BEING SITUATE IN PART OF THE NORTHWEST (NW ¼)**

**OF THE NORTHWEST (NW ¼) OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF TAX LOT 86 BEING THE POINT OF BEGINNING; THENCE N00°00'00"E A DISTANCE OF 462.26 FEET ALONG WEST LINE OF SAID TAX LOT 86; THENCE S89°36'08"W A DISTANCE OF 121.00 FEET ALONG LINE OF SAID TAX LOT 86; THENCE N0°00'00"E A DISTANCE OF 505.65 FEET ALONG THE WEST LINE OF SAID TAX LOT 86; THENCE N89°47'32"E A DISTANCE OF 593.80 FEET ALONG NORTH LINE OF SAID TAX LOT 86 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75 TO THE NORTHWEST CORNER OF SUBLOT 4 OF TAX LOT 36 (REPLATTED) , THENCE CONTINUING SOUTH ALONG THE EAST LINE OF SAID SUBLOT 4 TO THE NORTHEAST CORNER OF BESTMANN ADDITION, THENCE CONTINUING SOUTH ALONG THE EAST LINE OF BESTMANN ADDITION TO THE SOUTHEAST CORNER OF SAID ADDITION, THENCE WEST ALONG THE SOUTH LINE OF SAID ADDITION TO THE SOUTHWEST CORNER OF BESTMANN ADDITION, THENCE S89°36'13"W A DISTANCE OF 124.83 FEET ALONG THE SOUTH LINE OF SAID TAX LOT 86 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.3 ACRES, MORE OR LESS; TRACT 2: A PARCEL OF LAND BEING SITUATE IN PART OF THE SOUTHEAST (SE ¼) OF THE NORTHEAST (NE ¼) AND THE NORTHEAST (NE ¼) OF THE SOUTHEAST (SE ¼) OF SECTION 14, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF TAX LOT 1 BEING THE POINT OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF TAX LOT 1 TO THE SOUTHEAST CORNER OF TAX LOT 1, THENCE CONTINUING SOUTH ALONG THE EAST LINE OF TAX LOT 15 (NE1/4,SE ¼) A DISTANCE OF 594 FEET, THENCE WEST ALONG AND PARALLEL TO THE NORTH LINE OF TAX LOT 15, 990 FEET; THENCE NORTH ALONG AND PARALLEL TO THE EAST LINE OF TAX LOT 15 A DISTANCE OF 594 FEET TO THE SOUTHWEST CORNER OF TAX LOT 14 THENCE NORTH ALONG THE WEST LINE OF TAX LOT 14 TO THE NORTHWEST CORNER OF TAX LOT 14, THENCE EAST ALONG THE NORTH LINE OF TAX LOTS 1, 11, AND 14 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 43.5 ACRES, MORE OR LESS.; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND TO PROVIDE AND EFFECTIVE DATE. Motion by Porter, seconded by Riese to approve first reading of Ordinance No. 1856. ROLL CALL: Yes-Riese, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED. City Attorney, Roger Johnson read Ordinance No. 1856 in to the record by title only.**

ITEM 8 K

Motion by Porter, seconded by Riese to approve and authorize the Mayor to sign the State of Nebraska Maintenance Agreement No. 21-Certificate of Compliance for January 1, 2012 through

December 31, 2012. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Wiemer, Derby and Porter. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 L

Motion by Riese, seconded by Kerns to approve the appointment of James J. Olmsted, P.E., Olmsted & Perry Consulting Engineers Inc. as the City Street Superintendent to the City of Plattsmouth, Nebraska which will be performed under a Class A City Street Superintendent license (License S-408) and said services shall not extend to any review authority or supervision responsibility over any City transportation project involving the use of federal funding and authorize the Mayor to execute the Certification of City Street Superintendent. After discussion, ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser and Riese. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 M

Motion by Riese, seconded by Derby to approve the appointment of Emily Franks, Kyle Thunker and Emily Hodges as members of the Plattsmouth EMS Department. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Wiemer and Derby. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 N

Motion by Wiemer, seconded by Kerns to approve the Plattsmouth EMS Department roster as presented. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese and Wiemer. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 O

Motion by Derby, seconded by Riese to approve the Mayor's recommendation of the appointment/reappointment of the following:

**Historic Preservation Board – 3 year term**

Harlan Seyfer-----New Term will expire January 2016  
Don Gappa-----New Term will expire January 2016  
Jennifer Roby-----New Term will expire January 2016

**Planning Commission – 3 year term**

DeWayne Prince-----New Term will expire January 2015  
R . Paul Lambert-----New Term will expire January 2015  
Karen Weaver-----New Term will expire January 2015  
Robert Rice-----New Term will expire January 2015  
Sharon Kief-----New Term will expire January 2015  
Marc Nichols-----New Term will expire January 2016  
Jeff Kindig-----New Term will expire January 2016  
Rich McKinley-----New Term will expire January 2016

**Library Board – 4 year term**

Justin M. Carter-----New Term will expire January 2017

**Civil Service Commission – 6 year term**

Scott Frazier-----New Term will expire January 2018

Rob Church-----New Term will expire January 2018

**Park Board – 3 year term**

Jerry Blackwell-----New Term will expire January 2015

Jim Forrest-----New Term will expire January 2016

**Cemetery Board – 3 year term**

Glen Hess-----New Term will expire January 2015

Cindy Sitzman-----New Term will expire January 2015

Jerry Higgins-----New Term will expire January 2016

Barb Davenport-----New Term will expire January 2016

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

ITEM 8 P

Motion by Riese, seconded by Porter to approve the request to purchase a 2013 production year ¾ ton 4x4 WT pick-up with utility box for Public Works/Sewer Fund. ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser and Riese. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 8 Q

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest with regard to litigation entitled Castaway Point, LLC vs. City of Plattsmouth, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819; the possible purchase of real estate for the construction of a shop for the Water Treatment Plant and authorization to proceed with making an offer on the same; and legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 8:08 p.m. Motion by Porter, seconded by Brookhouser to convene to Closed Session to protect the public interest with regard to litigation entitled Castaway Point, LLC vs. City of Plattsmouth, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819; the possible purchase of real estate for the construction of a shop for the Water Treatment Plant and authorization to proceed with making an offer on the same; and legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. Mayor Bowman again stated that the Closed Session was to protect the public interest with regard to the litigation entitled Castaway Point, LLC vs. City of Plattsmouth, filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819; the possible purchase of real estate for the construction

of a shop for the Water Treatment Plant and authorization to proceed with making an offer on the same; and legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement.

8:50 p.m. Motion by Kerns, seconded by Brookhouser to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 8 R

Motion by Kerns, seconded by Porter to approve the appointment of Larry Welch Jr. as special legal counsel for the City of Plattsmouth for the Castaway Point, LLC vs. City of Plattsmouth litigation filed in Federal District Court. ROLL CALL: Yes-Brookhouser, Riese, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson and Dugan. Abstain-None. MOTION CARRIED.

ITEM 11

8:53 p.m. Motion by Porter, seconded by Kerns to adjourn. On a voice vote, MOTION CARRIED.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk