

PLATTSMOUTH CITY COUNCIL

July 5, 2016

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 July 5, 2016 at Plattsmouth Public Library in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Joe Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Inspector Kevin Larson, City Treasurer Roger Davis and City Attorney Stephen Q. Preston.

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

Charles Jones, Executive Director of Plattsmouth Main Street Association informed the council that due to rain the event at the Entertainment Plaza, USAF Heartland of America Band, was cancelled. Mr. Jones introduced Master Sergeant Gerard Birkenmeier, a representative for the band, and Mayor Lambert thanked Master Sergeant Gerard Birkenmeier and the USAF Heartland of America Band, for their representation of the more than 325,000 Air Force professionals who are committed to protecting and defending the freedom we cherish.

Charles Jones, Executive Director of Plattsmouth Main Street Association read a mayoral proclamation proclaiming the month of July, 2016 as "USAF Heartland of America Band Month" in the City of Plattsmouth Nebraska and it was then presented to Master Sergeant Birkenmeier.

ITEM 7-CONSENT AGENDA:

Motion by Wiemer, seconded by Brookhouser to approve the Consent Agenda as presented:

- A Consider approval of the June 20, 2016 City Council Meeting Minutes
- B 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 at Plattsmouth Entertainment Plaza, South 4th Street and Main Street, Plattsmouth on

August 6, 2016 from 3:00 p.m. to 11:00 p.m. with an alternate date of August 20, 2016 from 3:00 p.m. to 11:00 p.m.

C Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Fund Raiser being held at St. John the Baptist School, 500 South 18th Street, Plattsmouth on November 18, 2016 from 4:00 p.m. to 12:00 a.m.

D Consider approval of claims

Claims Register Report as of 7/5/16

Dept Name / Vendor Name Amount

Pay Date: 6/24/16

Com Ctr 20607.99

EMS 8244.01

General 13738.43

Library 7336.46

Parks and Cemetery 5199.3

Police 34641.58

Senior 2319.83

Street 11748.28

Water and Sewer 13100.36

116936.24

Various

AMERICAN FAMILY LIFE 629.12

AMERITAS 13766.23

AMERITAS LIFE INSURANCE CORP 155.02

BLUE CROSS BLUE SHIELD 65974.52

CENTRAL UNITED LIFE INSURANCE 265.44

COLLECTION SERVICES CENTER 280.8

FRATERNAL ORDER OF POLICE 180

HARTFORD LIFE INSURANCE COMPANY 351.7

INTERNAL REVENUE SERVICE 28175.01

MUTUAL OF OMAHA 798.18

NEBRASKA DEPARTMENT OF REVENUE 3649.12

PLATTSMOUTH COMMUNITY CENTER 21.4

PLATTSMOUTH STATE BANK 720.01

Department : 01 - GENERAL ADMINISTRATION

BAIRD HOLM LLP 510

BLACK HILLS ENERGY 29.38

BOMGAARS SUPPLY 30.04

ECHO GROUP INC 40.32

FIRST BANKCARD 750.98

NEBRASKA AIR FILTER INC 64.8

OLMSTED & PERRY ENGINEERING 311.36
PITNEY BOWES INC 39.48
ROGER DAVIS 200.34
SHAW HARDWARE STORE 4.29

Department : 02 - HUMANE/CODE ENFORCEMENT
BOMGAARS SUPPLY 10.28
JEFF HENRY CHEVROLET 130.64

Department : 03 - EMS
BLACK HILLS ENERGY 16.01
BOUND TREE MEDICAL LLC 53.1
FORT DEARBORN LIFE INSURANCE CO 86
KATHRYN SHARP 200
KONICA MINOLTA BUSINESS SOLUTIONS 41.52
LINDER TIRE & AUTO INC 225
WALKERS INC 13.87

Department : 04 - POLICE
BOMGAARS SUPPLY 7.98
JEFF HENRY CHEVROLET 36.95
MJN INC 400
RYAN CRICK 50.29

Department : 05 - STREET
ASPHALT & CONCRETE MATERIALS FLINN PAVING INC 619.38
BLACK HILLS ENERGY 45.14
BOMGAARS SUPPLY 188.46
FOR HIRE LLC 125
LYMAN RICHEY CORPORATION 1962.88
NEBRASKA IOWA SUPPLY CO INC 3689.94
SAMUEL C MCCANDLESS 195
TRI STATE OIL RECLAIMERS 155

Department : 06 - LIBRARY
BAKER & TAYLOR BOOKS 803.81
BLACK HILLS ENERGY 23.6
CENTER POINT LARGE PRINT 64.49
EGAN SUPPLY CO 165.38
FIRST BANKCARD 925.67
OKEEFE ELEVATOR CO INC 173.22
SHAW HARDWARE STORE 2.76
THE PENWORTHY CO 196.76
WINDSTREAM 71.79

Department : 07 - PARKS
BLACK HILLS ENERGY 22.03
BOMGAARS SUPPLY 27.95
ECHO GROUP INC 37.89
ODEYS INC 238

Department : 08 - CEMETERY
NEBRASKA PUBLIC POWER DISTRICT 23.38
WINDSTREAM 109.03

Department : 10 - FIRE
BLACK HILLS ENERGY 16
DEK CORPORATION 254.65
FIRST BANKCARD 110
FORT DEARBORN LIFE INSURANCE CO 144.48
KATHRYN SHARP 200
KONICA MINOLTA BUSINESS SOLUTIONS 41.52
MES INDUSTRIES INC 849.25
WALKERS INC 13.88

Department : 11 - SENIOR CITIZEN CTR
BLACK HILLS ENERGY 30.71
BOMGAARS SUPPLY 6.38
CHARTER BUSINESS 126.32
STRATUS BUILDING SOLUTION OF ARIZONA 219
WALKERS INC 98.7

Department : 16 - ECONOMIC DEVELOPMENT
OLMSTED & PERRY ENGINEERING 387.5

Department : 17 - COMMUNITY CENTER
BLACK HILLS ENERGY 276.42
BOMGAARS SUPPLY 0.99
CHARTER BUSINESS 378.94
DEBRA S FLAHERTY 291
FIRST BANKCARD 347.98
HYVEE 72.45
KS STATEBANK 1048
NEBRASKA AIR FILTER INC 45.42
OKEEFE ELEVATOR CO INC 173.22
STEPHEN C WARGA 60
STRATUS BUILDING SOLUTION OF ARIZONA 1870
WALKERS INC 57.6

Department : 18 - AQUATIC
AQUA CHEM INC 45.95
BLACK HILLS ENERGY 1508.1
FERGUSON ENTERPRISES 140.15
FIRST BANKCARD 215.71
HOCKENBERGS 1442.35
OLMSTED & PERRY ENGINEERING 1162.5
STATE OF NEBRASKA 18
THE THOMPSON COMPANY 2475.72

Department : 20 - WATER

AMERICAN UNDERGROUND SUPPLY LLC 317.25
BLACK HILLS ENERGY 48.56
BOMGAARS SUPPLY 178.36
ECHO GROUP INC 10.2
FIRST BANKCARD 161.48
GRAINGER 317
IMPACT MANUFACTURING 490
MATHESON TRI-GAS INC 1688.45
MICEK HEATING AND AIR CONDITIONING LLC 260.42
MISSISSIPPI LIME COMPANY 7515
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 108
NEBRASKA PUBLIC POWER DISTRICT 8139.74
OLMSTED & PERRY ENGINEERING 840
THE FRAZIER COMPANY 222
TRANSWOOD LOGISTICS INC 773.06
TYLER TECHNOLOGIES 90
VOSS ELECTRIC CO 48.1

Department : 24 - DRUG FORFEITURE
JEFF HENRY CHEVROLET 400

Department : 30 - SEWER
BLACK HILLS ENERGY 298.16
BOMGAARS SUPPLY 296.87
ECHO GROUP INC 156.96
KBC INC 57.2
MUNICIPAL AUTOMATION & CONTROL 883.8
NEBRASKA PUBLIC POWER DISTRICT 2636.64
OLMSTED & PERRY ENGINEERING 6345.13
TYLER TECHNOLOGIES 90
WATER ENVIRONMENT FEDERATION 79
WINDSTREAM 50.22

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Ervin Portis, City Administrator stated that the proposed changes to the Fireworks Ordinance were mailed to all 2016 Fireworks Permit holders.

City Council member Kerns introduced an ordinance numbered and titled as follows:
ORDINANCE NO. 1909: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 8, ARTICLE 4, SECTION 8-402 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, RELATED TO "APPLICATIONS FOR THE SALE OF FIREWORKS"; TO REPEAL ALL

ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Kerns, seconded by Derby to approve second reading of ORDINANCE NO. 1909 by title only. ROLL CALL: Yes-Derby, Dugan, Tilson, Porter, Brookhouser, Kerns, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Stephen Q. Preston read ORDINANCE NO. 1909 in to the record by title only.

ITEM 8 B

James Olmsted P.E., Olmsted and Perry Consulting Engineers Inc. stated that with Change Order No. 1 submitted by Judds Brothers Construction for the 2016 Water Treatment Plant Improvements-Clarifier Drive Replacement Project in the amount of (-) \$36,583.18 for a total project cost of \$150,916.82, the project is under budget. Motion by Brookhouser, seconded by Riese to approve Change Order No. 1 submitted by Judds Brothers Construction for the 2016 Water Treatment Plant Improvements-Clarifier Drive Replacement Project in the amount of (-) \$36,583.18 for a total project cost of \$150,916.82 and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Kerns, Tilson, Dugan, Derby, Porter, Brookhouser, Riese and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

James Olmsted P.E., Olmsted and Perry Consulting Engineers Inc. stated that Contractor's Application for Payment No. 3 (Final) submitted by Judds Brothers Construction in the amount of \$37,066.82 for the 2016 Water Treatment Plant Improvements-Clarifier Drive Replacement Project reflects that the project is complete and recommends approval of payment. Motion by Riese, seconded by Dugan to approve Contractor's Application for Payment No. 3 (Final) submitted by Judds Brothers Construction in the amount of \$37,066.82 for the 2016 Water Treatment Plant Improvements-Clarifier Drive Replacement Project; and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Brookhouser, Kerns, Wiemer, Dugan, Tilson, Riese, Porter and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

James Olmsted P.E., Olmsted and Perry Consulting Engineers Inc. reviewed the consultant's Final Study regarding feasibility of pretreating Schmidt wastewater for discharge into the City system. Mr. Olmsted stated that only biological waste would be discharged into the City system. Motion by Brookhouser, seconded by Wiemer to receive the consultant's Final Study regarding feasibility of pretreating Schmidt Transportation, Inc. wastewater for discharge into the City system. ROLL CALL: Yes-Riese, Porter, Dugan, Kerns, Brookhouser, Tilson, Derby and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Pursuant to publication, Mayor Lambert opened a public hearing at 7:16 p.m. to receive public comments regarding a designation of Substandard and Blighted for property legally described as:

- Lots 2-23, Castaway Cottages, A Subdivision in Cass County, Nebraska;
- Lot 1, Castaway Cottages, A Subdivision in Cass County, Nebraska;
- Lots 1-7 Inclusive and Lots 9 and 10 and Outlot 1, Castaway Estates, A Subdivision in Section 17 and 18, T12N, R14 East of the 6th P.M., Cass County, Nebraska;
- Lot 3 and that part of Lot 2 Morehead Island Riverfront Development Subdivision Not Platted into Castaway Villa, Cass County, Nebraska; and
- Commercial Lot 9, Morehead Island Development, a subdivision in Cass County, Nebraska.

Ervin Portis, City Administrator stated that the Plattsmouth Planning Commission received at their June 16, 2016 meeting and recommended approval. A notice was mailed to all taxing entities on June 7, 2016. On June 9 and June 16, 2016 the Notice of Public Hearing was published in the Plattsmouth Journal. With no one else coming forward to speak the Mayor closed the public hearing at 7:19 p.m.

ITEM 9 B

Council member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 16-007: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, DECLARING PORTIONS OF THE CITY OF PLATTSMOUTH TO BE BLIGHTED AND SUBSTANDARD.

Motion by Riese, seconded by Wiemer to adopt RESOLUTION NO. 16-007 by title only:

RESOLUTION NO. 16-007

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, DECLARING PORTIONS OF THE CITY OF PLATTSMOUTH TO BE BLIGHTED AND SUBSTANDARD.

WHEREAS, it is desirable and in the public interest that the City of Plattsmouth, Nebraska, undertake and carry out redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment;

WHEREAS, Nebraska Revised Statutes § 18-201 to § 18-2144, known as the Community Development Law, prescribes the requirements and procedures for the planning and implementation of redevelopment projects;

WHEREAS, Neb. Rev. Stat. § 18-2109 requires that, prior to the preparation by the community development agency of a City of a redevelopment plan for a redevelopment project, the Mayor and City Council as governing body of the City, by resolution, shall find and

determine that the area is a substandard and blighted area in need of redevelopment as defined in the Community Development Law;

WHEREAS, on July 5, 2016, at 7:00 p.m., a meeting of the Mayor and City Council of the City of Plattsmouth, Nebraska, was held at the Plattsmouth Public Library, 401 Avenue A, Plattsmouth, Nebraska in order to conduct a public hearing to determine whether certain areas of the City should be declared to be substandard and blighted and in need of redevelopment, as defined in and pursuant to the Community Development Law;

WHEREAS, a Notice of Public Hearing was published in the Plattsmouth Journal, a legal newspaper published in Plattsmouth, Nebraska, on June 9, 2016 and June 16, 2016 and which Notice of Public Hearing described the time, date, place and purpose of the hearing and specifically identified the area to be considered as substandard and blighted and in need of redevelopment;

WHEREAS, the City mailed notice of the public hearing by first class, postage prepaid United States Mail on June 7, 2016 which is at least 10 days prior to the hearing, to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the area to be redeveloped and to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resources district in which the real property to be affected by such determination, which notice set out the time, date, place and purpose of the public hearing and included a map of sufficient size to show the area to be affected;

WHEREAS, at such meeting the public hearing was conducted, and all interested parties were afforded a reasonable opportunity to express their views respecting the designation of such area as substandard and blighted and in need of redevelopment, and the Mayor and City Council reviewed and discussed a Blighted and Substandard Area Designation previously prepared by RDG Planning & Design;

WHEREAS, the Mayor and City Council submitted the question of whether the area in question is substandard and blighted and in need of redevelopment to the Planning Commission of the City of Plattsmouth for its review and recommendation prior to the City Council meeting and the public hearing on July 5, 2016 and the Mayor and City Council reviewed and discussed recommendations received from the Planning Commission; and

WHEREAS, the Mayor and City Council desire to determine whether the specific area is substandard and blighted and in need of redevelopment in accordance with the Community Development Law.

NOW THEREFORE, BE IT RESOLVED by the City of Plattsmouth, Nebraska, that the following area located in the City of Plattsmouth, Cass County, Nebraska, legally described on Exhibit "A" hereto and depicted the map included as Exhibit "B" hereto, is hereby declared to be a substandard area in need of redevelopment pursuant to the Community Development Law, in that conditions which now exist in said area meet the criteria set forth in Nebraska Revised Statutes § 18-2103 (10) as described and set forth in the Blighted and Substandard Area Designation received by the City;

BE IT FURTHER RESOLVED that the above described area is hereby declared to be a blighted area in need of redevelopment pursuant to the Community Development Law, in that conditions which now exist in said area which meet one or more of the factors set forth in Nebraska Revised Statutes § 18-2103(11)(a) and at least one of the factors set forth in (i) through (iv) of Nebraska Revised Statutes § 18-2103(11)(b), as described and set forth in the Blighted and Substandard Area Designation received by the City;

BE IT FURTHER RESOLVED that such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Community Development Law, and the elimination of said substandard and blighted condition under the authority of the Community Development Law is hereby found to be a public purpose and declared to be in the public interest; and

BE IT FURTHER RESOLVED, that it is hereby found and determined that such substandard and blighted area is in need of redevelopment and is an eligible site for a redevelopment project under the provisions of the Community Development Law.

PASSED AND APPROVED this 5th day of July 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Stephen Q. Preston, City Attorney read RESOLUTION NO. 16-007 in to the record by title only. ROLL CALL: Yes-Wiemer, Derby, Kerns, Brookhouser, Dugan, Riese, Tilson and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council member Wiemer introduced a resolution numbered and titled as follows:
RESOLUTION NO. 16-008: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA EXPRESSING ITS INTENTION TO CONSIDER THE ANNEXATION OF CERTAIN LAND DESCRIBED HEREIN; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR THE EXTENSION OF CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION AND MAKING SUCH PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME, AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED AND TO THE PLANNING COMMISSION FOR RECOMMENDATION

Motion by Wiemer, seconded by Riese to adopt RESOLUTION NO. 16-008 by title only:

RESOLUTION NO. 16-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA EXPRESSING ITS INTENTION TO CONSIDER THE ANNEXATION OF CERTAIN LAND DESCRIBED HEREIN; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR THE EXTENSION OF CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION AND MAKING SUCH PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME, AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, *Neb. Rev. Stat.* § 16-117 authorizes cities of the first class to annex contiguous and adjacent lands following the adoption of a resolution stating its intent to so annex, together with a plan for extending City services to the area to be annexed; and

WHEREAS, the City Council has determined that it should consider the annexation of certain lands which are contiguous and adjacent to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska that:

1. The City desires to consider the annexation of the following described real estate located in Plattsmouth, Cass County, Nebraska:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET;

THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT

23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERSECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES MORE OR LESS.

2. A map drawn to scale and delineating the area proposed to be annexed is attached to this Resolution as Exhibit "A".

3. The plan for the extension of City services to the proposed area, as presented at this meeting and incorporated herein by this reference, be, and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendation from the Planning Commission, and such plan is available for inspection in the office of the City Clerk at City Hall, 136 N. 55th Street, Plattsmouth, Nebraska, during regular business hours.

4. This matter is referred to the Plattsmouth Planning Commission for recommendation, which Commission shall hold a public hearing on July 21, 2016 at 7:30 p.m. at the Library Auditorium, 401 Avenue A, Plattsmouth, Nebraska.

5. The Mayor and City Council will hold a public hearing on the proposed annexation to receive testimony from any interested person on August 1, 2016 at 7:00 p.m. at City Hall, 136 N. 5th Street, Plattsmouth, Nebraska.

6. A copy of this resolution and map drawn to scale and delineating the area proposed to be annexed shall be published in the Plattsmouth Journal at least once not less than ten days before the date of the public hearing before the Mayor and City Council as referenced above.

7. A copy of this resolution shall be mailed by first class mail following its passage to the school board of any school district in the tract of land or lands proposed for annexation.

PASSED AND APPROVED this 5th day of July 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Stephen Q. Preston, City Attorney read RESOLUTION NO. 16-008 in to the record by title. ROLL CALL: Yes-Dugan, Riese, Tilson, Kerns, Porter, Brookhouser, Derby and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Pursuant to publication Mayor Lambert opened a public hearing at 7:23 p.m. regarding ODIN INDUSTRIES LLC. DBA Sister's Cafe, 2710 Margo Street, Bellevue NE 68147, application for a Class I Liquor License as provided for by the Nebraska Liquor Control Act for the following described location: 534 Main Street, Plattsmouth, Cass County, Nebraska. With no one coming forward to speak, Mayor Lambert closed the public hearing at 7:25 p.m.

ITEM 9 E

Motion by Brookhouser, seconded by Porter to recommend approval to the Nebraska Liquor Control Commission regarding an application submitted by ODIN INDUSTRIES LLC. DBA Sister's Cafe, 2710 Margo Street, Bellevue NE 68147, for a Class I Liquor License as provided for by the Nebraska Liquor Control Act for the following described location: 534 Main Street, Plattsmouth, Cass County, Nebraska. ROLL CALL: Yes-Tilson, Brookhouser, Porter, Derby, Wiemer, Riese, Dugan and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1910: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 5, ARTICLE 6, SECTIONS 5-602 AND 5-603 OF THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, RELATED TO TRAILER COURT PERMITS, RENEWALS, AND FEES; 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. 1910 by title only. Council member Tilson voiced his concerns. ROLL CALL: Yes-Kerns, Wiemer, Derby, Riese, Brookhouser and Porter. No-Tilson and Dugan. Absent-None. Abstain-None. MOTION CARRIED. Stephen Q. Preston, City Attorney read ORDINANCE NO. 1910 in to the record by title only.

ITEM 9 G

Motion by Riese, seconded by Brookhouser to accept correspondence directed to the Mayor and City Council of Plattsmouth and to the Nebraska Department of Roads from the Domina Law Group, P.C. on behalf of an owner of property in the Winterset Subdivision regarding Highway 75 access. ROLL CALL: Yes-Porter, Brookhouser, Wiemer, Riese, Tilson, Derby, Dugan and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest to discuss litigation threatened in correspondence from Domina Law Group, P.C..

7:32 p.m. Motion by Kerns, seconded by Porter to convene to closed session to protect the public interest to discuss litigation threatened in correspondence from Domina Law Group, P.C. ROLL CALL: Yes-Kerns, Derby, Tilson, Wiemer, Dugan, Porter, Brookhouser and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest to discuss litigation threatened in correspondence from Domina Law Group, P.C..

7:44 p.m. Motion by Kerns, seconded by Tilson to reconvene in to regular session. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

7:47 p.m. Motion by Porter, seconded by Derby to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk