

PLATTSMOUTH CITY COUNCIL

April 16, 2012

7:00 p.m.

- 1 Meeting Called to Order by Mayor Michael C. Bowman
- 2 Announce Location of Open Meetings Act and Documents to be Discussed at the Meeting
- 3 Pledge of Allegiance
- 4 Roll Call
- 5 Citizens Delegation
- 6 Mayor Proclamations
- 7 **CONSENT AGENDA**
  - A Consider approval of April 2, 2012 Plattsmouth Board of Adjustment and Equalization Meeting Minutes
  - B Consider approval of April 2, 2012 Plattsmouth City Council Meeting Minutes
  - C Consider the Mayor's recommendation of the reappointment of James Hutchison to the Plattsmouth Housing Authority for a 5 year term which will expire May 2017
  - D Consider approval of claims
- 8 **UNFINISHED BUSINESS**
  - A Consider approval of Change Order No. 2 (Final) in the amount of (-) \$5,493.75 with Cedar Construction Company for the East Main Street Interceptor Sewer Repair Project for a final unit price contract amount of \$137,989.45 and authorize the Mayor to execute the Change Order
- 9 **NEW BUSINESS**
  - A Consider approval of Pay Application No. 2 submitted by Cedar Construction for the East Main Street Interceptor Sewer Repair in the amount of \$20,683.95 and authorize the Mayor to execute the pay application
  - B Discuss and consider authorizing the City Engineer, Steve Perry, Olmsted & Perry, to design repairs to the Plattsmouth Boat Ramp and Park

- B Presentation and discussion, NPPD Community Update-Craig Vincent, NPPD Account Manager
- C Public Hearing: Receive orally or by affidavit, from any persons bearing upon the propriety of HyVee Inc. DBA Hy-Vee Gas, 2401 Oak Hill Road, Plattsmouth, Nebraska application for a Class D Liquor License as provided for by the Nebraska Liquor Control Act for the following location: 2401 Oak Hill Road, Plattsmouth, Cass County, Nebraska
- D Public Hearing: Receive orally or by affidavit, from any persons bearing upon the propriety of Aman & Emma Gonzalez DBA Taqueria Gonzalez, 226 Main Street, Plattsmouth, Nebraska application for a Class C Liquor License as provided for by the Nebraska Liquor Control Act for the following location: 226 Main Street, Plattsmouth, Cass County, Nebraska
- E Consider recommendation to the Nebraska Liquor Control Commission on the application of HyVee Inc. DBA Hy-Vee Gas, 2401 Oak Hill Road, Plattsmouth, Nebraska application for a Class D Liquor License as provided for by the Nebraska Liquor Control Act
- F Consider recommendation to the Nebraska Liquor Control Commission on the application of Aman & Emma Gonzalez DBA Taqueria Gonzalez, 226 Main Street, Plattsmouth, Nebraska application for a Class C Liquor License as provided for by the Nebraska Liquor Control Act
- G Steve Rathman, Chief of Police-presentation on options for revisions to Plattsmouth Ordinances related to Potentially Dangerous Animals and Dangerous Animals
- H Consider authorizing the expenditure of up to \$10,000.00 for irrigation and landscaping improvements to the US Highway 34 and 8<sup>th</sup> Avenue Roundabout
- I Consider approval of a Street Closing or Event Permit Application submitted by the First Lutheran Church, Plattsmouth requesting the closing of North 10<sup>th</sup> Street from Webster Blvd. to Avenue D on Saturday, April 20, 2012 from 8:00 a.m. to 2:00 p.m.
- J Receive and discuss the detailed traffic counts on Fourth Street, Main Street to 1<sup>st</sup> Avenue, as additional information pertaining to the Fourth Street Entertainment Plaza
- K Presentation and discussion on the request of Tobacco Free Cass County to designate Rhylander Park as Smoke Free
- L Public Hearing: Consider the City's acquisition of real estate, to wit: a portion of the west 245.83' of Tax Lot 36, and all of Sublot 2 of Tax Lot 36, located in the

NW ¼ of the NW ¼ of Section 13-T12N-R13E of the 6<sup>th</sup> P.M., Cass County, Nebraska.

- M Consider approval of the purchase of the following real estate which will be known as Tax Lot 86 located in the NW ¼ of the NW ¼ of Section 13, Township 12N Range 13 East of the 6<sup>TH</sup> P.M. Cass County, Nebraska, and authorize the Mayor to execute the purchase agreement, contingent on (1) a “no significant findings” result from the phase 1 environmental site assessment, (2) issuance of the Tax Increment Financing bond for Westside Commercial Development. Said real estate being a portion of the west 245.83’ of Tax Lot 36, and all of Sublot 2 of Tax Lot 36, located in the NW ¼ of the NW ¼ of Section 13-T12N-R13E of the 6<sup>th</sup> P.M., Cass County, Nebraska:

Referring to the SW Corner of the NW ¼ of the NW ¼ of said Section 13; thence N00°00’00” E, along the West line of the NW ¼ of the NW 1/4 , a distance of 495.25’ to the NW Corner of Sublot 3 of Lot 36 and the TRUE POINT OF BEGINNING; thence continuing N00°00’00” E, along said West line, a distance of 502.65’ to the SW Corner of Sublot 1 of Lot 36; thence N89°47’32” E, along the South line of Sublot 1 of Lot 36, a distance of 220.00’; thence S02°12’13” W, a distance of 390.03’; thence N89°31’56” E, a distance of 40.31’; thence S00°03’02” E, along the West line of said Bestmann’s Addition, a distance of 574.59’ to a point on the North right of way line of Oak Hill Road; thence S89°36’13” W, along said right of way line, a distance of 124.83’ to the SE Corner of Sublot 3 of Lot 36; thence N00°00’00” E, a distance of 462.26’ to the NE Corner of Sublot 3 of Lot 36; thence S89°36’08” W, a distance of 121.00’ to the POINT OF BEGINNING. Said described tract contains 3.85 Acres more or less.

- N Consider the purchase of an easement over a portion of the west 245.83’ of Tax Lot 36, and all of Sublot 2 of Tax Lot 36, located in the NW ¼ of the NW ¼ of Section 13-T12N-R13E of the 6<sup>th</sup> P.M., Cass County, Nebraska, to wit:

the south 100’ of the following described real estate contingent upon closing on the purchase of real estate described as follow: Referring to the SW Corner of the NW ¼ of the NW ¼ of said Section 13; thence N00°00’00” E, along the West line of the NW ¼ of the NW 1/4 , a distance of 495.25’ to the NW Corner of Sublot 3 of Lot 36 and the TRUE POINT OF BEGINNING; thence continuing N00°00’00” E, along said West line, a distance of 502.65’ to the SW Corner of Sublot 1 of Lot 36; thence N89°47’32” E, along the South line of Sublot 1 of Lot 36, a distance of 220.00’; thence S02°12’13” W, a distance of 390.03’; thence N89°31’56” E, a distance of 40.31’; thence S00°03’02” E, along the West line of said Bestmann’s Addition, a distance of 574.59’ to a point on the North right of way line of Oak Hill Road; thence S89°36’13” W, along said right of way line, a distance of 124.83’ to the SE Corner of Sublot 3

of Lot 36; thence N00°00'00" E, a distance of 462.26' to the NE Corner of Sublot 3 of Lot 36; thence S89°36'08" W, a distance of 121.00' to the POINT OF BEGINNING. Said described tract contains 3.85 Acres more or less.

- O Consider a Closed Session for the protection of the public interest to discuss threatened litigation with Castaway Pointe, LLC concerning the relocation of the floodway line per Ordinance No. 1819

- 10 City Administrator Communication
- 11 Mayor and City Council Communication
- 12 Adjourn