

PLATTSMOUTH CITY COUNCIL
January 19, 2009

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 January 19, 2009 at the City Hall in Plattsmouth Nebraska. Present were: Council Members: John Porter, Mike Bowman, Terry D. Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Absent was Terry Kerns. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer 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.

Mayor Lambert 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.

CITIZEN'S DELEGATION:

No one spoke at Citizen's Delegation.

The Pledge of Allegiance was recited.

7:01 p.m. Council Member Kerns arrived.

CONSENT AGENDA:

Motion by Wassinger, seconded by Jenkins to approve the Consent Agenda as presented:

- A Approval of January 5, 2009 City Council Meeting Minutes
- B Consider setting a Special Meeting of the Plattsmouth City Council for March 7, 2009 at 8:00 a.m. to meet jointly with the Planning Commission
- C Consider approval of claims

SALARIES 12/17/08-1/13/2009- 2 payrolls

General Admin	16,249.17
Humane Dept	1,379.38
Police Dept	46,079.68
Street Dept	17,617.23
Public Library	8,764.38
Parks	1,431.54
Oakhill Cemetery	2,361.46
Community Center	20,295.28

Senior Center	2,623.88
Payroll Sewer Dept.	5,518.93
Payroll Water Dept.	9,571.69
TOTAL SALARIES	131,892.62
AMERICAN FAMILY LIFE	24.10
AMERICAN LIBRARY ASSOCIA	62.30
AMERITAS LIFE INSURANCE- 2 payrolls	18,370.13
ANDREW KENNAN	50.00
BABUREK METAL PRESERVING	617.28
BAKER & TAYLOR BOOKS	725.48
BIBLIOTHECA INC	827.00
BLACK HILLS ENERGY	4,999.58
BOBCAT OF OMAHA	173.17
BOMGAARS SUPPLY	57.97
BRIAN D PAULSEN	50.00
C & L CLEANING	400.00
CARTRIDGE WORLD	66.99
CASS COUNTY BANK- CD Rescue	24,440.15
CASS COUNTY SHERIFF	3,190.00
CENTER POINT LARGE PRINT	228.24
CENTRAL TRANSPORTATION S	2,302.64
CHAD A SMITH	50.00
CHARTER BUSINESS	114.83
CINTAS CORPORATION #749	252.32
CIT TECHNOLOGY	169.50
CITY OF LA VISTA	110.00
CITY TREASURER- 1st Qtr Admin Salaries - Water/Sewer	37,963.04
COREY L. PARRIOTT	750.00
CORY J SCOTT	50.00
DAVID W J MURDOCH	50.00
DAVID WALKER	50.00
DOLLAR GENERAL	13.00
DON STORY	300.00
DUGAN BUSINESS FORMS	164.90
EMC NATIONAL LIFE COMPAN	190.48
EMS BILLING SERVICES INC	1,566.01
ENVIROTECH SERVICES INC	4,400.00
ERVIN PORTIS	500.00
FARM PLAN	497.76
FASTENAL COMPANY	8.17

FIRST BANKCARD	1,144.88
FORT DEARBORN LIFE INSUR- 2 months	292.40
FOUR STAR LAUNDRY	905.65
GARY HELLWIG	300.00
GRAINGER	348.66
GROSS & WELCH PC LLO	737.90
HAWKINS INC	1,293.27
HD SUPPLY WATERWORKS LTD	625.20
HDR ENGINEERING INC	1,843.35
HIGGINS HARDWARE	29.75
HOLIDAY INN	70.00
IKON OFFICE SOLUTIONS	779.28
IMPACT MANUFACTURING	989.36
INDEPENDENT AUTO REPAIR	49.95
INGERSOLL RAND COMPANY	380.00
INTERNL INSTITUTE FO MUN	125.00
INTERNAL REVENUE SERVICE- 2 payrolls	46,702.09
JEREMY SHOOK	50.00
JEROME SPECK	58.39
JOHNSON LAW OFFICE- Closing Vireo CDBG Loan	778.35
JONATHAN HARDY	50.00
KENZ & LESLIE DIST	298.95
LEAGUE OF NEB MUNICIPAL	900.00
LEROY LEWIS	50.00
LINDER TIRE & AUTO INC	809.28
LINWELD	530.32
MARK HYDRAULIC CO INC	1,629.98
MENARDS	108.68
METRO COMMUNITY COLLEGE	495.50
MICHAEL TODD & COMPANY	291.36
MIDLANDS HOSPITAL	450.00
MIDWEST FARMERS COOP	28.46
MIDWEST LABORATORIES INC	398.90
MISSISSIPPI LIME COMPANY	2,545.56
MULLENAX AUTO SUPPLY	621.26
MUNICIPAL SUPPLY INC	468.77
NE DEPT OF SOCIAL SER	174.00
NEAL THOMAS	50.00
NEBR UNEMPLOYMENT COMP	338.38
NEBRASKA CLERK INSTITUTE	392.00
NEBRASKA CHILD SUPPORT	184.62
NEBRASKA DEPT OF REVENUE- 2 payrolls	6,714.72

NEBRASKA EXPRESSWAYS	716.86
NEBRASKA IOWA SUPPLY	2,463.70
NEBRASKA LIBRARY COMMISSION	72.91
NEBRASKA PUBLIC HEALTH E	86.00
NEBRASKA PUBLIC POWER	12,628.30
OFE OIL INC.	1,029.03
OFFICE DEPOT INC	33.24
PAMIDA DISCOUNT CENTER	41.97
PAPILLION SANITATION	306.39
PAYFLEX	696.00
PAYLESS OFFICE PRODUCTS	171.61
PLATTSMOUTH MAIN STREET	4,000.00
PLATTSMOUTH READY MIX IN	395.40
PLATTSMOUTH STATE BANK- Equip \$9,419.48	11,275.26
PLATTSMOUTH VOLUNTEER RESCUE	469.68
PROCESS WORKS INC	90.00
PRUITT INC	18.42
R. PAUL LAMBERT	100.00
REID RICHTER	50.00
ROBERT L. BURNETT	50.00
ROBERT MEISINGER	1,600.00
ROBERT SORENSON	50.00
RYAN CRICK	50.00
SAM'S CLUB DIRECT	108.14
SCHMIDT TRANSPORTATION	400.00
SCHNEIDER AGENCY	48,993.00
SHERYL PARSHALL	784.38
SPRINT	47.45
STEPHEN L HUNT	120.00
STEUBE'S THRIFTWAY	905.96
THE COLUMBUS TELEGRAM	472.10
THE THOMPSON COMPANY	3,731.18
THE WALDINGER CORPORATIO	1,008.87
TODD HAMMOND	50.00
UNITED STATES LIFE INS	109.30
UNITED STATES POST OFFICE	42.00
USA BLUEBOOK	50.52
UTILITY EQUIPMENT COMPAN	467.79
VCA 80 DODGE ANIMAL HOSP	10.00
VIREO RESOURCES,LLC- CDBG Loan	74,221.65
W. S. DARLEY COMPANY	5,830.00
WARGA BROADCASTING LLC	300.00
WATER & SEWER DEPARTMENT-Loc Pymt	6,113.22

WATER DEPARTMENT-PETTY CASH	438.06
WELLS FARGO BANK-Case Loader	19,447.77
WINDSTREAM	2,249.86
Total Claims	381,115.28
Total Claims and Salaries for 2 payrolls	513,007.90

ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

UNFINISHED BUSINESS

ITEM 7 A

Council Member Bowman introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1782-AN ORDINANCE TO AMEND THE PLATTSMOUTH LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PLATTSMOUTH BY CHANGING CERTAIN BOUNDARIES FROM AGRICULTURAL DISTRICT (AG) TO URBAN RESIDENTIAL LOW DENSITY DISTRICT (R1); TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Jenkins that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1782 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Jenkins moved for final passage of the ordinance, which motion was seconded by Tesarek. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 7 B

Motion by Bowman, seconded by Tilson to adopt Resolution No. 09-004:

RESOLUTION NO. 09-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA TO ESTABLISH AN ADVISORY BOARD TO THE MAYOR AND CITY COUNCIL KNOWN AS THE PLATTSMOUTH EMERGENCY MEDICAL SERVICES BOARD, THE GENERAL PURPOSE OF WHICH IS TO STUDY AND MAKE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL REGARDING THE TRANSITION OF THE FIRE DEPARTMENT, RESCUE SQUAD DIVISION, FROM A SOLELY VOLUNTEER DIVISION TO PAID OR COMBINATION OF VOLUNTEER AND PAID DIVISION.

WHEREAS, pursuant to Ordinance 8-101, the City shall provide for fire protection and emergency rescue squad service by and through the City Fire Department;

WHEREAS, pursuant to *Neb. Rev. Stat.* § 16-201 the City shall have the power to do all acts in relation to the concerns of the city necessary to the exercise of its corporate powers;

WHEREAS, the City, through an independent consultant, performed an Emergency Medical Services System Assessment and desires to proceed with implementing recommendations resulting from the assessment; and

WHEREAS, the Rescue Squad Division of the Fire Department desires to improve its response time to calls for service and its staffing system.

NOW THEREFORE, BE IT RESOLVED that the Mayor, with the consent and approval of the City Council, be authorized to appoint the a Plattsmouth Emergency Medical Services Board. (Board).

BE IT FURTHER RESOLVED that the Board shall consist of six volunteer citizens, that includes the expertise of a physician; banker or accountant; an executive director of a primarily volunteer non-profit organization; a citizen who is not now, nor has ever been, a member of the Rescue Squad Division of the Fire Department; and two elected official, one of whom is from the City and one of whom is from the county but within the district boundaries of the Plattsmouth Fire Department. Upon the initial appointment of the Board, two members shall serve for one year from appointment, two members shall serve for two years from appointment and two members shall serve for three years from appointment. Thereafter, members of the Board shall be appointed to serve a three-year term unless reappointed. Members shall serve without compensation. Vacancies occurring in the Board shall be filled by appointment for the unexpired term.

BE IT FURTHER RESOLVED that before entering upon his/her duties, each board member shall take an oath to be filed with the city clerk that he/she will faithfully perform the duties of his/her office and not in any manner be actuated or influenced therein by personal or political motivation.

BE IT FURTHER RESOLVED that at the time of the Board's first meeting, and at it first meeting in each February thereafter, the members shall organize by selecting from their number a Chair, Vice Chair and a secretary. It shall be the duty of the secretary, or the secretary's designee, to keep the full and correct minutes and records of all meetings and to file the same with the city clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall adopt by-laws for the governance of the body. A majority of the Board shall constitute a quorum for the transaction of business and a majority vote of the total membership shall be required to pass any motion or resolution.

BE IT FURTHER RESOLVED that the Board shall have responsibility to investigate and study, and to present a plan to the Mayor and City Council for, the transition from a volunteer

rescue squad division to a paid and combination paid and volunteer division. Provided further that the Board shall seek to implement the recommendations of the Emergency Medical Services System Assessment dated July 16, 2008.

BE IT FURTHER RESOLVED that any member may be removed from office for any reason, but no member shall be removed from office by a vote of less than three-fourths of City Council as a whole.

PASSED AND APPROVED this 19TH day of January 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Said Resolution was read in to the record by City Attorney, Roger Johnson. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

NEW BUSINESS

ITEM 8 A

Motion by Derby, seconded by Bowman to adopt Resolution No. 09-003:

RESOLUTION No. 09-003

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA as follows:

WHEREAS, the City of Plattsmouth is subject to the April 11, 1994 Clean Water Act and Combined Sewer Overflow Policy of the Environmental Protection Agency;

WHEREAS, the City of Plattsmouth has a Combined Sewer Overflow permitted as Outfall 002 as part of the National Pollutant Discharge Elimination System through the Nebraska Department of Environmental Quality;

WHEREAS, the Mayor and City Council have committed to completing all phases of the Combined Sewer Overflow Separation Project by the end of 2015;

WHEREAS, the cost of complying with this presently unfunded federal mandate has been estimated by the City's consulting engineers to be \$7,137,000;

WHEREAS, the City Council supports a request for federal funds to assist Plattsmouth with Phase 1 of the Combined Sewer Overflow Separation Project;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth that the City supports submitting a request for federal funds to United States Senator E. Benjamin Nelson to assist Plattsmouth with Phase 1 of the Combined Sewer Overflow Separation Project and that Congress be asked to appropriate such funds.

PASSED AND APPROVED this 19th day of January 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandy Meyer, City Clerk

Said Resolution was read in to the record by City Attorney, Roger Johnson. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Wassinger, seconded by Tilson to approve the Amendment to a Promissory Note dated February 4, 2004 CDBG Loan Agreement in the amount of Two Hundred Forty Thousand Dollars and no/100 (\$240,000.00) by and between New Idea, Inc., 1115 Race Street, Plattsburgh and the City of Plattsburgh by deferring all payments presently due; by creating new monthly payments in the amount of One Thousand Three Hundred Eighty-Eight Dollars and 43/100 (\$1,388.43) commencing October 1, 2009; by providing a new maturity date of October 1, 2019; and authorize the Mayor to execute the Amendment contingent on receipt of a resolution from the New Idea, Inc. Corporate Secretary certifying that Joe Carter, Corporation President, is authorized to enter into and execute the Amendment. After discussion, ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-Kerns. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Erv Portis, City Administrator reviewed the proposed draft ordinance establishing a Revised Fee Structure for the City of Plattsburgh. Portis stated that the Department Heads will be reviewing the proposed draft ordinance at their meeting and will be making recommendations that will then come back to the council.

Mayor Lambert introduced and welcomed the members of Boy Scout Troop 399 and extended an invitation to all future council meetings.

ITEM 11

7:35 p.m. Motion by Tesarek, seconded by Tilson to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

Attest:

/s/Sandra J. Meyer, City Clerk