

PLATTSMOUTH CITY COUNCIL

March 16, 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 March 16, 2009 at the City Hall in Plattsmouth Nebraska, Council President Ruth Wassinger officiating. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek, Doug Derby. Also present: City Administrator Ervin Portis, City Treasurer Peggy Wilsey, and City Inspector Kevin Larson.

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 Pledge of Allegiance was recited.

Wassinger 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:

There were no citizen delegations.

CONSENT AGENDA:

Motion by Tilson, seconded by Jenkins to approve all Consent Agenda items as listed:

- A Approval of March 7, 2009 Special City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Church of the Holy Spirit for May 2, 2009 for Spring Dinner Benefit at Church of the Holy Spirit, 500 South 18<sup>th</sup> Street, Plattsmouth from 5:00 p.m. to 12:00 midnight
- C Receive, with regrets, the resignation of Robert L. Cook from the Plattsmouth Library Board
- D Consider approval of the Mayor's recommendation of the appointment of Robert L. Cook to the Cemetery Board to fill a vacancy created when Margaret Knorr resigned whose term expires January 2011
- E Approval of claims

SALARIES 2/25/09-3/10/09

General Admin	8,634.62
Humane	678.35
Police Dept	21,384.62
Street Dept	8,562.38
Public Library	4,351.24
Parks	38.09
Oakhill Cemetery	1,278.14
Community Center	10,177.48
Senior Center	1,434.28

Payroll Sewer Dept	2,844.17
Payroll Water Dept	5,075.95
TOTAL SALARIES	64,459.32

01 GENERAL

BAKER & TAYLOR BOOKS	1,229.83
CENTER POINT LARGE PRINT	227.64
CHARTER BUSINESS	89.96
FIRST BANKCARD	748.07
NEBRASKA PUBLIC POWER DI	445.80
O'KEEFE ELEVATOR CO INC	324.08
WINDSTREAM	70.82

Total Library	3,136.20
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SHELL

NEBRASKA DEPT OF REVENUE	2,711.67
INTERNAL REVENUE SERVICE	2,783.57
ADVANCED OFFICE AUTO	19,983.79
ALLTEL	102.08
AMERITAS LIFE INSURANCE	5.00
AQUA CHEM INC	7,804.22
BARNES DISTRIBUTION	435.98
BECKY VERMUELE	141.36
BLACK HILLS ENERGY	140.00
BOUND TREE MEDICAL LLC	1,618.72
BRIAN WAGNER	1,900.58
C & L CLEANING	50.00
CHARTER BUSINESS	400.00
CHRIS PEABODY	40.00
CINTAS CORPORATION #749	50.00
CIT TECHNOLOGY	252.36
CORY J SCOTT	169.50
CUMMINS CENTRAL POWER	30.00
DASH MEDICAL GLOVES INC	1,231.53
EDISON CHOI	23.96
EGAN SUPPLY CO	135.00
EMC NATIONAL LIFE CO	485.72
EMS BILLING SERVICES INC	63.64
FARM PLAN	1,453.74
FOUR STAR LAUNDRY	13.99
GE CAPITAL	241.94
GROSS & WELCH PC	639.00
HEARTS UNITED	1,729.82
IDEAL PURE WATER	50.00
IMPACT MANUFACTURING	14.00
JEN RUDNICK	23.37
JOHN MOREHOUSE	75.00
KEVIN LARSON	50.00
KV EQUINE	47.97

LEAGUE OF NEB MUNICIPAL	83.40
LINDER TIRE & AUTO INC	19.00
LINWELD	328.00
MAIN STREET JEWELERS	154.22
MENARDS	357.90
METRO COMMUNITY COLLEGE	213.25
MICHAEL ANZALONE	675.50
MID CON SYSTEMS INC	240.00
MULLENAX AUTO SUPPLY	130.03
NEBRASKA COALITION FOR VOLUNTEER FIRE DEPT	940.49
NEBRASKA IOWA SUPPLY	30.00
NEBRASKA PUBLIC POWER	937.30
NEBRASKA STATE VOLUNTEER	10,830.86
OLD DOMINION BRUSH	615.00
OLMSTED & PERRY ENGINEER	795.65
OMAHA POLICE FEDERAL	1,775.28
OMAHA WORLD HERALD	195.17
OVERHEAD DOOR COMPANY	37.70
PAMIDA DISCOUNT CENTER	217.00
PAPILLION SANITATION	97.57
PAYLESS OFFICE PRODUCTS	234.92
PLATTSMOUTH ANIMAL HOSPITAL	76.96
PLATTSMOUTH STATE BANK	81.00
PRINTING IMAGES	2,120.84
RDG PLANNING & DESIGN	45.00
RICHARD MCKINLEY	5,690.00
ROBERT SORENSON	314.47
RONNIE BECKWITH	85.00
SLEUTH-ACCESS DATA CORPO	150.00
STALNAKER BECKER & BURES	2,178.13
STEUBE'S THRIFTWAY	330.00
SUPERIOR SIGNALS INC	434.39
THE COLUMBUS TELEGRAM	84.25
THE THOMPSON COMPANY	76.80
TINCHER FORD-MERCURY INC	3,666.90
WINDSTREAM	85.00
Total General Claims	1,658.89

08 WATER DEPT

BLACK HILLS ENERGY	
CENTRAL TRANSPORTATION S	97.49
HAWKINS INC	1,508.70
HD SUPPLY WATERWORKS LTD	505.85
HOLIDAY INN	224.59
INTERNAL REVENUE SERVICE	70.00
MIDWEST FARMERS COOPERAT	1,616.95
MISSISSIPPI LIME COMPANY	33.41
MUNICIPAL AUTOMATION & C	3,058.75
MUNICIPAL SUPPLY INC	405.00
NEBRASKA DEPT OF REVENUE	82.74

NEBRASKA PUBLIC POWER DI	325.42
O'REILLY AUTOMOTIVE INC	6,735.39
PAMIDA DISCOUNT CENTER	79.59
PAPILLION SANITATION	28.27
THE SHERMAN WILLIAMS	22.00
UNITED STATES POST OFFIC	187.79
WINDSTREAM	90.00
Total Water Claims	143.89
09 SEWER DEPT	
AMERITAS LIFE INSURANCE	
BLACK HILLS ENERGY	466.78
EMC NATIONAL LIFE COMPAN	1,000.74
HIGGINS HARDWARE	126.84
INTERNAL REVENUE SERVICE	22.02
MIDWEST LABORATORIES INC	1,013.82
MULLENAX AUTO SUPPLY	516.40
MUNICIPAL AUTOMATION & C	361.93
NEBRASKA CHILD SUPPORT	408.00
NEBRASKA DEPT OF REVENUE	184.62
NEBRASKA PUBLIC POWER DI	138.02
PAPILLION SANITATION	2,109.88
THE WALDINGER CORPORATIO	32.41
UNITED STATES POST OFFIC	508.80
WINDSTREAM	90.00
Total Sewer Claims	62.64
Total Salaries and Claims	

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

## UNFINISHED BUSINESS

### ITEM 7 A

Wassinger opened a public hearing at 7:04 p.m. regarding an application to the Nebraska Department of Economic Development (NDED) for a Community Development Block Grant (CDBG)-a grant that is available for community development activities. David Taladay of Southeast Nebraska Development District (SEND) spoke. Wassinger closed the hearing at 7:05 p.m.

### ITEM 7 B

Motion by Kerns, seconded by Tesarek, to adopt Resolution No. 09-008: Authorizing Chief Elected Official to sign an Application for CDBG Funds.

## RESOLUTION

RESOLUTION NO. 09-008 AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS.

WHEREAS, the City of Plattsmouth, Nebraska, is an eligible unit of a general government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Plattsmouth, Nebraska has obtained its citizens' comments on community development and housing needs; and has conducted a public hearing upon the proposed application and received favorable public comment respecting the application which is for an amount of \$19,500 in CDBG funds to develop a detailed plan and a set of priorities for implementation under Phase I of a "Downtown Revitalization" program; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

PASSED AND APPROVED this 16<sup>th</sup> day of March 2009.

/s/Ruth K. Wassinger, Council President

ATTEST:

/S/Peggy A. Wilsey, Deputy City Clerk

Roger Johnson, City Attorney read the resolution into the record. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. MOTION CARRIED.

NEW BUSINESS

ITEM 8 A

Wassinger opened a public hearing at 7:08 p.m. regarding an application of Tincher Investment Co., Inc. for preliminary plat approval of a Major Subdivision, "Settler's Draw", on property located roughly ¼ mile south of Bay Rd. and east of 18<sup>th</sup> Street, legally described as Lots 1-24, inclusive, being located in a portion of the part of the Southeast ¼ of Section 3, Township 12 North, Range 13 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. Larry Hagewood and Linda Worlein spoke. City Engineer Steve Perry reviewed contents of his February 12, 2009 letter to the Plattsmouth Planning Commission regarding Settler's Draw. City Attorney Roger Johnson offered into the record the Land Development Ordinance for the City of Plattsmouth and documents relating to the application. Wassinger closed the hearing at 7:17 p.m.

ITEM 8 B

Motion by Jenkins, seconded by Porter, to approve the application of Tincher Investment Co., Inc. for preliminary plat approval of a Major Subdivision, "Settler's Draw", on property located roughly ¼ mile south of Bay Rd. and east of 18<sup>th</sup> Street, legally described as Lots 1-24, inclusive, being located in a portion of the part of the Southeast ¼ of Section 3, Township 12 North, Range 13 East of the 6<sup>th</sup> P.M., Cass County, Nebraska, subject to a final subdivision agreement substantially similar in form to the draft agreement prepared by the city attorney, inclusion of the city engineer's recommendations, and a road design consistent with the city's

subdivision ordinance. ROLL CALL: YES-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-none. Absent-none. MOTION CARRIED.

ITEM 8 C

Wassinger opened a public hearing at 7:19 p.m. regarding an application of Tincher Investment Co., Inc. for rezoning from AG (Agricultural) to RR (Rural Residential) of a proposed Major Subdivision, "Settler's Draw", on property located roughly ¼ mile south of Bay Rd. and east of 18<sup>th</sup> Street, legally described as Lots 1-24, inclusive, being located in a portion of the part of the Southeast ¼ of Section 3, Township 12 North, Range 13 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. City Attorney Roger Johnson offered into the record the Comprehensive Plan for the City of Plattsmouth and documents related to the application. Wassinger closed the hearing at 7:21 p.m.

ITEM 8 D

Motion by Tilson, seconded by Jenkins, to postpone the application of Tincher Investment Co., Inc. for rezoning from AG (Agricultural) to RR (Rural Residential) of a proposed Major Subdivision, "Settler's Draw", on property located roughly ¼ mile south of Bay Rd. and east of 18<sup>th</sup> Street, legally described as Lots 1-24, inclusive, being located in a portion of the part of the Southeast ¼ of Section 3, Township 12 North, Range 13 East of the 6<sup>th</sup> P.M., Cass County, Nebraska. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-none. Absent-none. MOTION CARRIED.

ITEM 8 E

Motion by Bowman, seconded by Jenkins, to adopt Resolution No. 09-009: A Resolution requiring prior authorization before submitting grant applications.

RESOLUTION

RESOLUTION NO. 09-009, A RESOLUTION REQUIRING PRIOR AUTHORIZATION BEFORE SUBMITTING GRANT APPLICATIONS.

WHEREAS, the Mayor and City Council are legally responsible for adopting a budget and to appropriate funds for the same;

WHEREAS, public funds are defined to include nontax money such as grant revenues;

WHEREAS, many grants require local matching funds that are subject to budget authority; and

WHEREAS, proper budget planning and administration includes grant revenue and corresponding expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PLATTSMOUTH that grant applications with a project cost over \$20,000, or in which there are any local matching funds required, shall require authorization and consent of the Council before submission. Provided, however, that if such grant deadlines require receipt of an application before the next regular City Council meeting, the City Administrator may approve such submittal, but then the application shall be considered at the next City Council meeting for approval or withdrawal.

BE IT FURTHER RESOLVED that grant applications with no local financial match and with a total project cost less than \$20,000 are subject to approval by the City Administrator prior to submission.

PASSED AND APPROVED this 16<sup>th</sup> day of March 2009

/s/Ruth K. Wassinger, Council President

ATTEST:

/s/Peggy A. Wilsey, Deputy City Clerk

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

ITEM 8 F

Motion by Bowman, seconded by Kerns, to approve a request to submit a grant application, due no later than April 1, 2009 with a total project cost of \$15,148.27 and a local matching share of \$7,575.14 to the Cass County Visitors Improvement Fund for the purpose of making improvements to Rhylander Park. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins. No-None. Absent-None. MOTION CARRIED

ITEM 8 G

Motion by Bowman, seconded by Porter, to approve a bid award for the 4<sup>th</sup> Street Drainage Improvement Project (near Garfield Park) to M&M Construction Co., Inc. in the amount of \$12,461.50 and authorize the Mayor to execute the contract. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek. NO-None. Absent-None. MOTION CARRIED.

ITEM 8 H

Motion by Derby, seconded by Jenkins to approve a bid award for the Fire Station Alley Pavement Reconstruction to M&M Construction Co., Inc., in the amount of \$23,923.45 and authorize the Mayor to execute the contract. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby. No-None. Absent-None. MOTION CARRIED.

7:38 p.m., Motion made by Tilson, seconded by Derby, to adjourn. MOTION CARRIED.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk