

## PLATTSMOUTH CITY COUNCIL

June 1, 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 June 1, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry Tilson, Ruth Wassinger, Rod Jenkins, Art Tesarek and Doug Derby. Also present: City Administrator Erv 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 Pledge of Allegiance was recited.

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:

Fay Yerger expressed her concern with the fees being charged to have a table at the Farmers Market in the Dollar General parking lot.

Allen Sutcliffe, 123 N. 3<sup>rd</sup> St., Plattsmouth, Nebraska expressed his concern with regard to the noise from Double Down from the outside speakers. Mr. Sutcliffe made reference to the City Ordinances that address noise and stated that he felt that Ordinances Section 3-113 and 3-132 should probably be reinstated. He stated that this has been a problem for the past two years and he felt there was a need for the police to enforce the current ordinances. Mr. Sutcliffe requested that an elected official please respond within the next week.

Mike Wilson, Fire Chief submitted his resignation from the appointed position as the Fire Chief of the Plattsmouth Volunteer Fire and Rescue. Wilson stated that Bill Dudek, currently the 1<sup>st</sup> Assistant Chief, would be the Interim Fire Chief.

Mayor Lambert Proclaimed June 24, 2009 through June 28, 2009 as CHAUTAUQUA DAYS IN PLATTSMOUTH NEBRASKA after which the Mayor read the Proclamation.

Jeanene Wehrbein, Primary Coordinator for the 2009 Plattsmouth Chautauqua stated that the Chautauqua tent would be raised on Tuesday, June 23, 2009 and would be up until Monday, June 29, 2009 at Rhylander Park and during this time would the Council consider the parking of an RV or a camper to be used for security of the tent.

CONSENT AGENDA:

Council Member Tesarek indicated that there was an error in the Minutes of the May 18, 2009 Meeting- City Administrator Erv Portis was not present at the meeting. Please remove from the minutes.

Motion by Tilson, seconded by Jenkins to approve all Consent Agenda items, to include the correction to the May 18, 2009 City Council Meeting Minutes as indicated by Tesarek, as listed:

- A Approval of May 18, 2009 City Council Meeting Minutes
- B Plattsmouth Chautauqua-June 24-28, 2009 Request to the City:
  - 1 Sunday, June 21 thru Friday, June 26, 2009-Three (3) parking stalls Reserved just east of the Library (first three stalls on the west side of 4<sup>th</sup> Street just north of the alley)
  - 2 Wednesday, June 24, 2009-Street Closing on Main Street east of Double Down to the railroad tracks (First Street) specifically in front of the Caboose Park from 5:00 p.m. to 9:00 p.m.
  - 3 Saturday, June 27, 2009-All of Richey Street closed (in front of Mark Morehead property and Les Wentz property) from 8:00 a.m. to 6:00 p.m. for Antique Tractor Show
  - 4 Saturday, June 27, 2009-Use of the "City Clean-up" lot (East Main Street of the railroad tracks) to park vehicles (trailers, etc.) hauling machinery for the Antique Tractor Show
  - 5 Wednesday, June 24, 2009-Placement of one set of bleachers near the caboose at the east end of Main Street for the 5:00 p.m. event at the Caboose Park then move the bleachers to the east side of the tent site at Rhylander Park for the rest of the week
  - 6 Wednesday, June 24, 2009-Placement of extra trash barrels downtown for the event at the Caboose Park and then move the trash barrels to Rhylander Park near the pavilion for use by the food vendors
- C Plattsmouth Chamber of Commerce and Plattsmouth Main Street Association request the closing of the City Parking Lot located on the corner of South 4<sup>th</sup> Street from the alley south to 1<sup>st</sup> Avenue on Thursday, June 4, 2009 from 1:30 p.m. to 4:00 p.m. for the Motorloway 500 Tour which will be making an "Afternoon Pit Stop" in Plattsmouth
- D Consider approval of claims

DATE 5/15/2009 CITY OF PLATTSMOUTH

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CLAIMS REGISTER REPORT

01 GENERAL ADMINISTRATION

SALARIES

General Admin 8,451.56

Humane Dept 708.16

Police Dept 21,035.21

Street Dept 7,423.22

Public Library 3,985.27

Parks 888.59  
Oakhill Cemetery 1,739.77  
Community Center 10,033.32  
Senior Center 1,556.58  
Payroll Sewer Dept. 2,836.26  
Payroll Water Dept. 4,866.09

TOTAL SALARIES 63,524.03

VARIOUS DEPTS

AMERICAN FAMILY LIFE ASS 24.10  
AMERITAS LIFE INSURANCE 7,020.40  
BLUE CROSS BLUE SHIELD 26,270.88  
PLATTSMOUTH STATE BANK 1,545.84  
THE UNION CENTRAL LIFE I 155.02  
UNITED STATES LIFE INSUR 95.40  
Nebraska Dept of Revenue - Various 3,197.07  
Nebraska Child Support- City 138.46  
Internal Rev Services-Variou 18,880.32

GENERAL ADMINISTRATION

BLUE CROSS BLUE SHIELD 1,185.44  
DELTA DENTAL PLAN 297.00  
DERBY'S HEATING AND AIR 90.00  
FIRST BANKCARD 453.23  
GROSS & WELCH PC LLO 550.49  
KENNEDY STORAGE 50.00  
LEAGUE OF NEBRASKA MUNIC 95.00  
NEBRASKA PUBLIC POWER DI 108.67  
PAYFLEX 30.20  
PAYLESS OFFICE PRODUCTS 9.58  
PITNEY BOWES INC. 145.00  
SOFTCHOICE CORP 216.00  
WELLS FARGO FINANCIAL LE 177.49

RESCUE SQUAD

ALAMAR UNIFORMS 23.19  
ALLTEL 127.83  
BLACK HILLS ENERGY 100.90  
BOUND TREE MEDICAL LLC 355.35  
C & L CLEANING 400.00  
COREY L. PARRIOTT 54.53  
FASTENAL COMPANY 31.44  
FOUR STAR LAUNDRY 94.09

LINWELD	430.14	
OVERHEAD DOOR COMPANY OF		94.50
VERIZON WIRELESS	163.23	
WINDSTREAM	97.07	
POLICE DEPARTMENT		
DELTA DENTAL PLAN	671.20	
PAYFLEX	38.12	
STREET DEPARTMENT		
BLACK HILLS ENERGY	78.08	
DELTA DENTAL PLAN	286.10	
NEBRASKA IOWA SUPPLY	1,076.17	
NEBRASKA PUBLIC POWER DI		117.05
PAYFLEX	7.92	
PUBLIC LIBRARY		
DELTA DENTAL PLAN	118.30	
PAYFLEX	7.92	
PARK & RECREATION		
BLACK HILLS ENERGY	27.29	
FASTENAL COMPANY	33.83	
JOHN DEERE CREDIT	1,559.55	
MENARDS	909.48	
NEBRASKA PUBLIC POWER DI		87.61
CEMETARY		
DELTA DENTAL PLAN	49.50	
NEBRASKA PUBLIC POWER DI		23.55
PAYFLEX	7.92	
FIRE DEPARTMENT		
ALAMAR UNIFORMS	23.19	
ALLTEL	127.82	
BLACK HILLS ENERGY	100.91	
GREG CLIFTON	61.41	
PAYLESS OFFICE PRODUCTS	186.15	
TAD M SMITH	83.03	
WINDSTREAM	97.08	
SENIOR CITIZEN CENTER		
ALLTEL	120.06	
COMMUNITY CENTER		
ADVANCED OFFICE AUTOMATI		80.69
ALLTEL	360.21	
BLACK HILLS ENERGY	838.97	
CHARTER BUSINESS	81.17	
CHECKFREE SERVICES CORPO		187.50
DELTA DENTAL PLAN	68.80	

FOUR STAR LAUNDRY	17.68
GODFATHER'S	298.00
NO FRILLS SUPERMARKETS	51.69
PAMIDA DISCOUNT CENTER	85.12
PAPILLION SANITATION	80.56
PAYLESS OFFICE PRODUCTS	148.86
PLATTSMOUTH CITY LIBRARY	236.70
SKEETER DJ	300.00

#### AQUATIC

ADOLPH KIEFER & ASSOCIAT	1,071.75
AQUA CHEM INC	2,517.51
BLACK HILLS ENERGY	260.30
BLUE DEVIL SPORTING GOOD	577.00
FERGUSON ENTERPRISES	743.64
FIRST BANKCARD	279.17
JOHNSTON SUPPLY	143.48
NATIONAL TICKET COMPANY	298.77
PAPILLION SANITATION	115.44
PAYLESS OFFICE PRODUCTS	193.45
PEPSI COLA	1,116.50
PLATTSMOUTH STATE BANK	400.00
PRINTING IMAGES	256.56

#### ECONOMIC DEVELOPMENT

CHARLES JONES	47.08
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#### DEBT SERVICE

PSB-Fire Station Int 37,387.50

#### WATER DEPARTMENT

BLACK HILLS ENERGY	20.73
BOMGAARS SUPPLY	121.23
DELTA DENTAL PLAN	126.70
DUGAN BUSINESS FORMS	82.57
ECONO LODGE	78.18
FASTENAL COMPANY	6.05
FIRST BANKCARD	202.43
HAWKINS INC	1,037.48
HD SUPPLY WATERWORKS LTD	409.02
LA MOTTE COMPANY	87.10
MUNICIPAL AUTOMATION & C	787.86
NDEQ - FISCAL SERVICES	54,116.29
NEBRASKA PUBLIC HEALTH E	75.00
NEBRASKA PUBLIC POWER DI	1,011.67
PAYFLEX	7.92

#### SEWER DEPARTMENT

AMERITAS LIFE INSURANCE	507.06
BLUE CROSS BLUE SHIELD	2,122.32
UNITED STATES LIFE INSUR	18.40
BOMGAARS SUPPLY	123.17
DELTA DENTAL PLAN	148.50
DPC INDUSTRIES INC	825.55
DUGAN BUSINESS FORMS	82.56
FIRST BANKCARD	99.70
HDR ENGINEERING INC	5,709.80
Internal Rev Services-Sewer	911.36
Nebraska Dept of Revenue - Sewer	118.15
Nebraska Child Support- Sewer	184.62
TOTAL CLAIMS	185,792.62
TOTAL SALARIES AND CLAIMS	249,316.65

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

UNFINISHED BUSINESS

ITEM 8 A

Mike Bowman, Streets and Alleys Committee Chairman recommended approval of the request to officially vacate a street/alley located at: South 13<sup>th</sup> Street between Lot 4, Block 43 Young & Hayes Addition and Lot 1 of Block 1 of Hayes Addition. Motion by Jenkins, seconded by Tesarek to approve the vacation of a street/alley located at: South 13<sup>th</sup> Street between Lot 4, Block 43 Young & Hayes Addition and Lot 1 of Block 1 of Hayes Addition. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 B

Council Member Jenkins introduced an ordinance numbered and titled as follows: Ordinance No. 1788: **AN ORDINANCE TO VACATE THAT PORTION OF S. 13<sup>TH</sup> STREET LOCATED BETWEEN THE REAL ESTATE DESCRIBED HEREIN, SUBJECT TO THE CITY RETAINING A UTILITY EASEMENT ON THE SAME; TO PROVIDE FOR OWNERSHIP OF THE SAME TO REVERT TO THE ADJACENT PROPERTY OWNERS, SUBJECT TO THE CITY'S UTILITY EASEMENT; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Jenkins, seconded by Tesarek that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1788 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED. Said ordinance was read by title only and thereafter Bowman moved for final passage of the ordinance, which motion was seconded by Jenkins. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Bowman. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED. Said ordinance was read in to the record.

## NEW BUSINESS

### ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:34 p.m. with regard to the obligation of \$6,600.00 of Economic Development Funds to the Plattsmouth Main Street Association for the purpose of conducting a marketing campaign. John O'Brien owner of Seams to be Quilt Shoppe, Charles Jones Executive Director of Main Street Association, James Ball owner of Aaron James Booksellers and Carol Hudson owner of the Parmele House Bed and Breakfast all spoke in favor of the obligation of funds. No one spoke against the obligation. The Mayor closed the public hearing at 7:52 p.m.

### ITEM 9 B

Motion by Tilson, seconded by Derby to approve the obligation of \$6,600.00 of Economic Development Funds to the Plattsmouth Main Street Association for the purpose of conducting a marketing campaign. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 C

Motion by Jenkins, seconded by Wassinger to approve a Termination and Release of the Redevelopment Agreement dated November 14, 1994 between Community Development Agency of the City of Plattsmouth, Nebraska, Arbor Development Group, Inc., and Cass Partners, L.P., which Redevelopment Agreement was filed in the Office of the Cass County Register of Deeds on November 18, 1994 in Book 45 of Miscellaneous Records, Page 568, expired by its terms on or before December 31, 2007 and authorize the Mayor to execute the Termination and Release. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 D

Motion by Kerns, seconded by Tilson to approve the "Lead Paint Hazards-Clearance Examination" contract with SENDD and authorize the Mayor to execute the documents. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

### ITEM 9 E

Rich McKinley, Historic Preservation Board did a PowerPoint presentation on the Plattsmouth Main Street Streetscape. City Administrator Erv Portis reviewed the funding options for the Streetscape one of which would be to put the question to the voters for an additional \$.005 sales tax which would generate annually about \$300,000.00 if sales were to stay at their current rate.

ITEM 9 F

Kevin Larson, City Inspector gave a presentation on the proposed Flood Insurance Rate Maps (FIRMS). Larson stated that the City is currently using a flood map from 1978. According to Bill Jones of the Nebraska Department of Natural Resources (NDNR), updated engineering was available for the mapping process related to the Missouri River. This new information came from a Missouri River study conducted by the Corps of Engineers, and resulted in an increase of roughly four feet to the base flood elevations along the Missouri River south of its confluence with the Platte River. The areas inside the Plattsmouth Corporate limits were simply digitized for the updated map and none of the base flood elevations were changed.

ITEM 9 G

Motion by Jenkins, seconded by Tilson to authorize the City Administrator and the City Attorney to file an appeal with regard to the Flood Insurance Rate Maps (FIRMS) if engineering and legal review concludes that an appeal should be submitted. MOTION CARRIED on a voice vote.

8:35 p.m. Motion made by Tesarek seconded by Tilson to adjourn. MOTION CARRIED.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk