

PLATTSMOUTH CITY COUNCIL  
October 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 October 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. 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:

No one spoke at Citizen Delegation

MAYOR PROCLAMATION

There were not Proclamations.

CONSENT AGENDA:

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

- A Approval of October 5, 2009 City Council Meeting Minutes
- B Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 10/09/09 not Net as before.

General Admin 18,919.50

Humane Dept 810.00

Police Dept 31,796.84

Street Dept 10,402.71

Public Library 6,423.73

Parks 2,696.50

Oakhill Cemetery 1,601.54

Community Center 9,710.72

Senior Center 1,771.23  
Pool  
Payroll Sewer Dept. 4,302.48  
Payroll Water Dept. 7,245.75  
TOTAL SALARIES 95,681.00

VARIOUS

CINTAS CORPORATION #749 21.80  
PLATTSMOUTH STATE BANK 1,638.12

GENERAL ADMINISTRATION

ALLIED INSURANCE 250.00  
BLACK HILLS ENERGY 49.18  
CASSGRAM 27.00  
CHARTER BUSINESS 40.00  
DAN'S LAWN CARE 150.00  
DANA F. COLE & COMPANY L 1,755.00  
FIRE GUARD 59.35  
FIRST BANKCARD 287.93  
GFOA 255.00  
IT'S GOT TO GO 120.00  
KASS KOUNTY KING KORN KL 1,000.00  
MENARDS 89.00  
MICROFILM IMAGING SYSTEM 60.00  
NATIONAL LEAGUE OF CITIE 1,117.00  
NEBRASKA PUBLIC POWER DI 430.94  
PAPILLION SANITATION 394.51  
PAYLESS OFFICE PRODUCTS 209.12  
THE COLUMBUS TELEGRAM 147.44  
WINDSTREAM 331.82

HUMANE/CODE ENFORCEMENT

FIRE GUARD 53.36  
NEBRASKA PUBLIC POWER DI 71.72  
PLATTSMOUTH ANIMAL HOSPI 200.00

RESCUE SQUAD

FIRST BANKCARD 297.08  
LISA DAVIS 196.82  
NEBRASKA PUBLIC POWER DI 234.91  
OFE OIL INC. 1237.80  
PAYLESS OFFICE PRODUCTS 4.98  
WINDSTREAM 122.50

POLICE DEPARTMENT

ALLTEL 57.21  
COMPUTERS TO GO 526.90

GE CAPITAL	639.00
LINDER TIRE & AUTO INC	319.00
LOCATEPLUS	1,679.04
METHODIST HOSPITAL	350.00
MULLENAX AUTO SUPPLY	74.11
O'REILLY AUTOMOTIVE INC	51.94
OMAHA POLICE FEDERAL CRE	368.65
PITNEY BOWES INC	103.27
PROTECTVIE PRODUCTS	61.86
ULTRAMAX	378.90
WARGA BROADCASTING LLC	300.00
WINDSTREAM	370.42

STREET DEPARTMENT

CINTAS CORPORATION #749	232.56
FASTENAL COMPANY	21.07
FIRE GUARD	441.50
HIGGINS HARDWARE	16.35
LINDER TIRE & AUTO INC	101.00
MARTIN MARIETTA AGGREGAT	667.96
MULLENAX AUTO SUPPLY	541.17
NEBRASKA PUBLIC POWER DI	5,497.99
NEBRASKA SALT & GRAIN CO	4,285.36
PAPILLION SANITATION	109.28
PAYLESS OFFICE PRODUCTS	17.99
SAFETY-KLEEN CORPORATION	264.82
TINCHER FORD-MERCURY INC	72.71
WHITE CAP CONSTRUCTION S	300.00
WINDSTREAM	101.85

PUBLIC LIBRARY

ACCU CUT SYSTEMS	214.48
BAKER & TAYLOR BOOKS	1,554.83
BLACK HILLS ENERGY	38.07
CENTER POINT LARGE PRINT	227.64
CHARTER BUSINESS	40.00
COMPUTERS TO GO	35.00
FIRE GUARD	64.30
FIRST BANKCARD	794.92
GREENBLATT STRING TRIO	535.00
HARPER COLLINS	3,570.68
IKON OFFICE SOLUTION	754.34
IKON OFFICE SOLUTIONS	397.71
LU ANNE ANDERSON	150.00
NEBRASKA PUBLIC POWER DI	785.72

NLA/NEMA	278.00
SAMUEL FRENCH INC	225.00
STATE OF NEBRASKA	100.00
WINDSTREAM	121.34

PARK & RECREATION

FIRE GUARD	109.00
LINDER TIRE & AUTO INC	66.00
MENARDS	5.67
MIDWEST MINOR MEDICAL	50.00
MULLENAX AUTO SUPPLY	20.58
NEBRASKA PUBLIC POWER DI	155.04
OFE OIL INC.	22.00
PAPILLION SANITATION	84.24
PROFESSIONAL WASTE WATER	140.00
THE COLUMBUS TELEGRAM	6.73
WILES BROS. INC.	778.62
WINDSTREAM	52.46

CEMETARY

BLACK HILLS ENERGY	17.10
FIRE GUARD	130.75
LINDER TIRE & AUTO INC	38.34
MENARDS	1.44
PAMIDA DISCOUNT CENTER	7.65
PAYLESS OFFICE PRODUCTS	2.49
WINDSTREAM	74.78

FIRE DEPARTMENT

ALAMAR UNIFORMS	46.48
C & L CLEANING	400.00
FOUR STAR LAUNDRY	11.01
HOST COFFEE SERVICE INC	53.07
IDEAL PURE WATER	58.95
MULLENAX AUTO SUPPLY	261.22
NEBRASKA PUBLIC POWER DI	234.91
O'REILLY AUTOMOTIVE INC	3.99
PAYLESS OFFICE PRODUCTS	4.98
STATE FIRE MARSHALL TRAI	100.00
WINDSTREAM	122.51

SENIOR CITIZEN CENTER

PAYLESS OFFICE PRODUCTS	46.59
SHORT STOP	98.54
THE THOMPSON COMPANY	5,030.17
WINDSTREAM	121.64

COMMUNITY CENTER

BLUE DEVIL SPORTING GOOD	3,118.00
ECHO GROUP INC	115.40
FIRE GUARD	9.85CR
JEN RUDNICK	75.00
MENARDS	33.87
MICHAEL ANZALONE	120.00
MIDWEST SOUND & LIGHTING	59.38
NEBRASKA PUBLIC POWER DI	7,295.51
OMAHA WORLD HERALD	64.50
PAPILLION SANITATION	80.56
PLATTSMOUTH STATE BANK	9,419.48
ROXANNE DOLECKI	100.00
SAM'S	160.25
SHARI BARRIES	280.00
SHERWIN WILLIAMS	933.42
STATE OF NEBRASKA	100.00
THE COLUMBUS TELEGRAM	72.00
WINDSTREAM	364.90

AQUATIC

FIRE GUARD	9.85CR
MENARDS	17.97
NEBRASKA PUBLIC POWER DI	81.76

ECONOMIC DEVELOPMENT

PLATTSMOUTH MAIN STREET	4,000.00
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DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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WATER DEPARTMENT

BOMGAARS SUPPLY	197.34
CASS COUNTY RECYCLE CENT	55.00
FIREGUARD INC	143.15
GREAT PLAINS ONE CALL SE	27.46
MENARDS	7.68
MISSISSIPPI LIME COMPANY	3,083.75
NEBRASKA PUBLIC POWER DI	42.38
OMAHA DOOR & WINDOW COMP	

384.00

PAMIDA DISCOUNT CENTER	25.00
PAYLESS OFFICE PRODUCTS	124.68
PLATTSMOUTH READY MIX IN	384.40
SIEMENS	768.24
THE COLUMBUS TELEGRAM	151.26
UTILITY EQUIPMENT COMPAN	334.75
WINDSTREAM	159.46

SEWER DEPARTMENT

BLACK HILLS ENERGY	60.91
FIREGUARD INC	283.55
GREAT PLAINS ONE CALL SE	27.46
MIDWEST LABORATORIES INC	482.50
MULLENAX AUTO SUPPLY	14.92
PAPILLION SANITATION	32.41
PAYLESS OFFICE PRODUCTS	36.90
WINDSTREAM	66.40

K9 - POLICE DEPARTMENT

RAY ALLEN MANUFACTURING	1,790.00
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Total Claims \$88,317.39

Total Claims and Salaries \$183,998.39

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

UNFINISHED BUSINESS

ITEM 8 A

Motion by Tilson, seconded by Bowman to approve the Physician Medical Director Contract between the City of Plattsmouth and Ron Sarno M.D. as recommended by the Emergency Medical Services Advisory Board and direct the Mayor to execute the contract. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

7:04 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:05 p.m. to hear any comments on the imposition of a special assessment on real estate at 2218 Andies Street legally described as PLATTS-IDEAL HEIGHTS LOT 16 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Police Chief Brian Paulsen stated that Sgt. Burnett was the officer present at the residence and also reviewed the contacts and events leading to the clean up of the property. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit A. The Mayor closed the public hearing at 7:07 p.m.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:08 p.m. to hear any comments on the imposition of a special assessment on real estate at 1018 2<sup>nd</sup> Avenue legally described as PLATTS-DANA SUB DIV LOT 3 resulting from the clean up of said property by the City of Plattsmouth for the

violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Police Chief Brian Paulsen stated that there was a clean up bill and a mowing bill and the house is in foreclosure but they did track down the daughter. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit B. The Mayor closed the public hearing at 7:11 p.m.

#### ITEM 9 C

Pursuant to publication, the Mayor opened the public hearing at 7:12 p.m. to hear any comments on the imposition of a special assessment on real estate at 723 South 3<sup>rd</sup> Street legally described as PLATTS-THOMPSON'S LOTS 3 TO 6 BLK 12 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Police Chief Brian Paulsen stated that Officer Hammond was present at the property and that the homeowner did sign for the first letter in July but the 2<sup>nd</sup> letter was returned undeliverable. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit C. The Mayor closed the public hearing at 7:14 p.m.

#### ITEM 9 D

Pursuant to publication, the Mayor opened the public hearing at 7:15 p.m. to here any comments on the imposition of a special assessment on real estate at 516 North 7th Street legally described as PLATTS-ORIG TOWN S ½ OF LOT 1 & S ½ OF E 34' OF LOT 2 BLK 96 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Police Chief Brian Paulsen stated that two letters were sent and both were returned as undeliverable. Chief Paulsen presented Mayor Lambert with documentation of events on the above listed property and marked the document Exhibit D. The Mayor closed the public hearing at 7:17 p.m.

#### ITEM 10

7:18 p.m. RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

#### NEW BUSINESS

#### ITEM 11 A

Motion by Wassinger, seconded by Tesarek to adopt a resolution numbered and titled:

#### **RESOLUTION NO. 09-029**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING REAL ESTATE FOR IMPROVEMENTS AND AUTHORIZING THE CITY CLERK TO FILE THE SAME WITH THE CASS COUNTY TREASURER AND CASS COUNTY CLERK.**

WHEREAS, the property owners of the following listed properties failed to clean up said property following notice to do so for maintaining the property in violation of the City's ordinances:

2218 Andies Street	\$163.58
1018 2 <sup>nd</sup> Avenue	\$862.70
723 South 3 <sup>rd</sup> Street	\$233.58
516 North 7 <sup>th</sup> Street	\$286.08

WHEREAS, the City completed the cleanup at the cost listed above of which the property owners have failed and refused to pay; and

WHEREAS, a public hearing was held and evidence was received and considered by the Mayor and City Council sitting as a Board of Adjustment and Equalization.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the following improvements were made to the listed properties at the listed locations which specially benefitted the same:

2218 Andies Street	PLATTS-IDEAL HEIGHTS LOT 16
1018 2 <sup>nd</sup> Avenue	PLATTS-DANA SUB DIV LOT 3
723 South 3 <sup>rd</sup> Street	PLATTS-THOMPSON'S LOTS 3 TO 6 BLK 12
516 North 7 <sup>th</sup> Street	PLATTSMOUTH-ORIG TOWN S ½ OF LOT 1 & S ½ OF E 34' OF LOT 2 BLK 96

BE IT FURTHER RESOLVED that the cost of the clean up is a correct statement of special benefit to the property and that there be and hereby is levied against the properties as listed which shall be due in a single payment not later than December 8, 2010, at which time the assessment shall be delinquent:

2218 Andies Street	\$163.58
1018 2 <sup>nd</sup> Avenue	\$862.70
723 South 3 <sup>rd</sup> Street	\$233.58
516 North 7 <sup>th</sup> Street	\$286.08

BE IT FURTHER RESOLVED that this special assessment shall become due on or before December 8, 2009, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk shall certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading the same on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 19<sup>th</sup> day of October 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-029 in to the record. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

#### ITEM 11 B

Pursuant to publication, the Mayor opened the public hearing at 7:22 p.m. to hear any comments on the Blight Designation for a Downtown Redevelopment Area for Plattsmouth, Nebraska, legally described as OC Enterprises Subdivision Lot 2; Four US Subdivision Lots 1, 2, 3, 4; all of Blocks 26, 27, 28, 29, 30, Original Town, Plattsmouth; the west ½ of Block 31, Original Town, Plattsmouth; the west ½ of Block 32, Original Town, Plattsmouth; all of Blocks 33, 34, 35, 36, 37, Original Town, Plattsmouth. City Administrator Erv Portis gave background information on the Blight Designation Study. The Mayor closed the public hearing at 7:26 p.m.

#### ITEM 11 C

Motion by Wassinger, seconded by Derby to adopt a resolution numbered and titled:

### **RESOLUTION NO. 09-028**

**WHEREAS**, the City of Plattsmouth retained the Southeast Nebraska Development District, in collaboration with City Staff, to revise and update a Blight Study as a basis for a Redevelopment Plan and Downtown Revitalization Plan to focus investment, encourage private investment and spur redevelopment to eliminate the conditions which are detrimental to the public health, safety, and welfare and to encourage expanded economic activity within the City, and;

**WHEREAS**, State Statute 18-2109 requires that before any redevelopment plan be prepared, the City Council must declare the proposed redevelopment area to be substandard or blighted and in need of redevelopment; and

**WHEREAS**, a public hearing was held with proper notice as required by State Statute 18-2115 to consider the declaration; and

**WHEREAS**, in the area shown on Exhibit A-Plattsmouth Redevelopment Area Map and generally legally defined in the Study, the average age of residential structures is greater than 40-years, there is a presence of a substantial number of deteriorated or deteriorating structures, there is defective and inadequate street layout, there is faulty lot layout in relation to size, adequacy, accessibility and usefulness, there is insanitary unsafe conditions, there is deterioration of site and other improvements, and there is a combination of these factors that substantially impairs the sound growth of the community, retards the provision of housing accommodations, constitutes economic or social liability and is detrimental to the public health, safety, morals or welfare in its present conditions and use, which is more specifically determined in Exhibit B-Blight Area Designation Report; and

**WHEREAS**, the City of Plattsmouth Planning held a public hearing on August 20, 2009 and subsequently recommended that the area described in Exhibit A-Plattsmouth **Downtown Redevelopment Area** be declared blighted and substandard and in need of redevelopment.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA THAT,** the area shown in Exhibit A-Plattsmouth **Downtown Redevelopment Area** and generally described in the Study (Exhibit B) is hereby declared a blighted and substandard area in need of redevelopment.

PASSED and APPROVED this 19th day of October, 2009.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 09-028 in to the record. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Bowman, Tilson and Wassinger. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 11 D

Pursuant to publication, the Mayor opened the public hearing at 7:29 p.m. to hear any comments on the amended application for a Class C Liquor License for The Grass is Always Greener Inc. DBA The Cigar Factory, 525 Main Street, Plattsmouth, Nebraska. No one spoke at the public hearing. The Mayor closed the public hearing at 7:30 p.m.

ITEM 11 E

Motion by Porter, seconded by Bowman to give a favorable recommendation to the Nebraska Liquor Control Commission on the amended application for a Class C Liquor License for The Grass is Always Greener Inc. DBA The Cigar Factory, 525 Main Street, Plattsmouth, Nebraska. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Bowman. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 11 F

Chris Koenig, HDR Engineering Inc. stated that Amendment No. 2 to Task Order No. 14 with HDR, Inc. would take the Combined Sewer Overflow through the design and bidding phases. Motion by Bowman, seconded by Jenkins to approve Amendment No. 2 to Task Order No. 14 with HDR, Inc. for the Combined Sewer Overflow Final Design Contract with a not to exceed amount of \$90,705 for this amendment and a total contract amount not to exceed \$165,605 and authorize the Mayor to execute the contract. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 11 G

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1795: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND SECTION 7.6 OF ARTICLE SEVEN, SUBDIVISION CHAPTER, OF THE LAND DEVELOPMENT ORDINANCE FOR THE CITY OF PLATTSMOUTH, AUGUST 2006, BY DELETING THE SAME IN ITS ENTIRETY AND SUBSTITUTING THE FOLLOWING AS IT**

**RELATES TO PERFORMANCE GUARANTEES FOR PLAT APPROVAL; TO REPEAL ALL ORDINANCES 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. 1795 be adopted on first reading by title only. ROLL CALL: Yes-Porter, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-Kerns. 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-Tesarek, Derby, Porter, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 12

Streets and Alleys Committee had nothing to report or update.

ITEM 13

Mayor Lambert indicated the need to convene in executive session to protect the public interest to discuss legal issues. 7:38 p.m. Motion by Tilson, seconded by Jenkins to convene in executive session to protect the public interest to discuss legal issues. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

7:57 p.m. Motion by Tesarek, seconded by Tilson to reconvene in regular session. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 16

8:03 p.m. Motion by Tesarek, seconded by Porter to adjourn. MOTION CARRIED.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk