

PLATTSMOUTH CITY COUNCIL  
December 7, 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 December 7, 2009 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, 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's Delegation

MAYOR PROCLAMATION

There were no proclamations

CONSENT AGENDA:

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

- A Approval of November 16, 2009 City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for January 21, 2010 for a fund raiser at 502 S. 18<sup>th</sup> Street, Plattsmouth from 12:00 p.m. to 12:00 a.m.
- C Consider approval of claims

Please note these are GROSS SALARIES 11/20/09 not Net as before.

General Admin 12,001.50

Humane Dept 810.00

Police Dept 35,132.73

Street Dept 10,454.81  
Public Library 6,292.12  
Parks  
Oakhill Cemetery 1,369.85  
Community Center 10,208.42  
Senior Center 1,703.99  
Pool  
Payroll Sewer Dept. 4,268.74  
Payroll Water Dept. 7,102.96  
TOTAL SALARIES 89,345.12

VARIOUS

SHELL 3,906.52  
AMERICAN FAMILY LIFE ASS 24.10  
BLUE CROSS BLUE SHIELD 61,909.22  
CENTRAL UNITED LIFE INSU 98.65  
FRATERNAL ORDER OF POLIC 210.00  
MUTUAL OF OMAHA 681.49  
PLATTSMOUTH STATE BANK 1,545.84  
THE UNION CENTRAL LIFE I 155.02  
UNITED STATES LIFE INSUR 103.00

GENERAL ADMINISTRATION

BLACK HILLS ENERGY 595.99  
BLUE CROSS BLUE SHIELD 844.60  
CASS COUNTY DEPT OF ROAD 140.00  
CASS COUNTY ELECTION 10,422.63  
CASSGRAM 9.00  
CCH 259.41  
DELTA DENTAL PLAN 306.00  
GROSS & WELCH PC LLO 278.95  
ICMA 704.00  
INTERSTATE ALL BATTERY 91.80  
IT'S GOT TO GO 384.00  
JOHN'S APPLIANCE 79.00  
KENNEDY STORAGE 50.00  
MENARDS 486.78  
MICROFILM IMAGING SYSTEM 135.00  
MULLENAX AUTO SUPPLY 6.18  
NEBRASKA CLERK INSTITUTE 400.00  
OLMSTED & PERRY ENGINEER 2,600.68  
PAYFLEX 30.20

PITNEY BOWES INC.	145.00
PLATTSMOUTH STATE BANK	40.00
THE COLUMBUS TELEGRAM	923.54
TYLER TECHNOLOGIES	3,805.80
WELLS FARGO BANK	1,500.00
WELLS FARGO FINANCIAL LE	177.49
HUMANE/CODE ENFORCEMENT	
BOMGAARS SUPPLY	19.85
DOLLAR GENERAL	14.50
HEARTS UNITED	269.00
RESCUE SQUAD	
ALAMAR UNIFORMS	132.97
AUGGIE'S PERFORMANCE SHO	746.97
BOUND TREE MEDICAL LLC	744.69
LINWELD	197.02
MULLENAX AUTO SUPPLY	382.34
NEBRASKA PUBLIC POWER DI	159.68
UNMC PHYSICIANS	137.00
VERIZON WIRELESS	495.35
POLICE DEPARTMENT	
BARNES DISTRIBUTION	81.40
COMPUTERS TO GO	399.90
DELTA DENTAL PLAN	833.40
FEDERAL SIGNAL CORPORATI	67.44
MIDWEST MINOR MEDICAL	25.00
MULLENAX AUTO SUPPLY	1,063.69
NEBRASKA PUBLIC HEALTH E	84.00
OCE IMAGISTICS	190.67
PAYFLEX	38.12
TINCHER FORD-MERCURY INC	642.01
VERIZON WIRELESS	54.74
STREET DEPARTMENT	
ALLIED OIL & SUPPLY INC	395.70
BARNES DISTRIBUTION	113.32
BLACK HILLS ENERGY	196.52
BOMGAARS SUPPLY	87.12
CONWAY OIL COMPANY	1,716.00
DELTA DENTAL PLAN	294.80
FARM PLAN	60.89
FASTENAL COMPANY	3.55
KRIZ DAVIS CO	341.46

MULLENAX AUTO SUPPLY	147.41
NEBRASKA PUBLIC POWER DI	88.97
OLMSTED & PERRY ENGINEER	265.30
PAYFLEX	7.92
TITAN MACHINERY	73.77
WHITE CAP CONSTRUCTION S	414.00
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	641.00
CENTER POINT LARGE PRINT	228.24
CHARTER BUSINESS	40.00
COMPUTERS TO GO	550.00
DELTA DENTAL PLAN	121.90
DEMCO	54.90
EVIS ZAMORA	49.49
FIRST BANKCARD	501.97
GE MONEY BANK/AMAZON	11.00
IKON OFFICE SOLUTION	30.25
IKON OFFICE SOLUTIONS	397.71
NEBRASKA LIBRARY COMMISS	959.35
NEBRASKA PUBLIC POWER DI	362.42
PAYFLEX	7.92
WINDSTREAM	119.41
PARK & RECREATION	
ANDERSON BROS ENG	324.00
BARRETT HOME	238.00
BLACK HILLS ENERGY	38.69
BOMGAARS SUPPLY	47.69
FARM PLAN	163.20
JOHN DEERE CREDIT	1,559.55
NEBRASKA PUBLIC POWER DI	202.65
OFE OIL INC.	21.61
CEMETARY	
DELTA DENTAL PLAN	51.00
FARM PLAN	10.86
NEBRASKA PUBLIC POWER DI	31.69
PAYFLEX	7.92
FIRE DEPARTMENT	
ALAMAR UNIFORMS	50.00
C & L CLEANING	400.00
CONRAD FIRE EQUIPMENT	225.00
FORT DEARBORN LIFE INSUR	371.52

FOUR STAR LAUNDRY	43.21
NEBRASKA PUBLIC POWER DI	159.69
NEBRASKA STATE FIRE MARS	240.00
PUBLIC AGENCY TRAINING C	250.00
SCHMIDT TRANSPORTATION	1,240.38
UNITED RENTALS	207.55
SENIOR CITIZEN CENTER	
BLACK HILLS ENERGY	113.13
CASSGRAM	9.00
JOHN'S APPLIANCE	79.00
OFE OIL INC.	12.10
STEUBE'S THRIFTWAY	278.39
UNITED STATES POST OFFIC	88.00
WINDSTREAM	238.81
COMMUNITY CENTER	
ADVANCED OFFICE AUTOMATI	57.59
BLACK HILLS ENERGY	1,018.13
CHARTER BUSINESS	81.14
CIT TECHNOLOGY	156.85
DAVID TUNGESVIK	111.35
DELTA DENTAL PLAN	70.90
FISERV	562.50
FOREST 3 CLEANING SERVIC	312.00
FOUR STAR LAUNDRY	19.17
JEN RUDNICK	125.00
JESSICA GUTHRIE-IRWIN	58.58
JOHNSTON SUPPLY	59.90
KRIZ DAVIS CO	189.66
MECHANICAL SALES INC	2,808.00
MENARDS	51.70
MICHAEL ANZALONE	540.00
MULLENAX AUTO SUPPLY	5.46
NEBRASKA AIR FILTER INC	12.84
NEXTEL PARTNERS	18.12
PAMIDA DISCOUNT CENTER	366.42
PRECISION INDUSTRIES INC	224.23
RONNIE BECKWITH	75.00
ROXANNE DOLECKI	160.00
SHARI BARRIES	280.00
WINDSTREAM	716.42

AQUATIC

BLACK HILLS ENERGY	17.80
ECONOMIC DEVELOPMENT	
FIRST BANKCARD	56.00
OLMSTED & PERRY ENGINEER	691.60
SOUTHEAST NE DEV DISTRIC	64.76
DEBT SERVICE	
PLATTSMOUTH STATE BANK	99,070.00
WATER DEPARTMENT	
AMBER YOUNG	248.78
BLACK HILLS ENERGY	29.84
BOMGAARS SUPPLY	121.62
CENTRAL TRANSPORTATION S	1,819.87
DELTA DENTAL PLAN	130.60
DEPT OF HEALTH & HUMAN S	94.00
FARM PLAN	224.64
FASTENAL COMPANY	23.55
FERGUSON ENTERPRISES	23.60
NE DEPT ENVIRONMENTAL QUALITY	356,170.74
HAWKINS INC	673.30
IMPACT MANUFACTURING	15.00
KRIZ DAVIS CO	95.58
MENARDS	111.37
MISSISSIPPI LIME COMPANY	3,375.00
MULLENAX AUTO SUPPLY	41.11
NEBRASKA PUBLIC HEALTH E	115.00
NEBRASKA PUBLIC POWER DI	5,412.18
OLMSTED & PERRY ENGINEER	729.59
PAYFLEX	7.92
PAYLESS OFFICE PRODUCTS	164.17
PLATTSMOUTH READY MIX IN	420.20
SECRETARY OF STATE, BUSI	30.00
TINCHER COLLISION CENTER	121.85
TYLER TECHNOLOGIES	1,699.92
WATER DEPARTMENT-PETTY C	360.68
SEWER DEPARTMENT	
BLUE CROSS BLUE SHIELD	4,687.54
CENTRAL UNITED LIFE INSU	196.62
MUTUAL OF OMAHA	18.96
UNITED STATES LIFE INSUR	30.40
BOMGAARS SUPPLY	184.18
DEETER FOUNDRY INC	512.00

DELTA DENTAL PLAN	153.00
EMC INSURANCE COMPANY	1,000.00
GRAINGER	16.04
MULLENAX AUTO SUPPLY	15.55
NEBRASKA PUBLIC POWER DI	1,987.49
THE WALDINGER CORPORATIO	889.84
TYLER TECHNOLOGIES	837.28
USA BLUEBOOK	189.44
20 CSO PROJECT (CLEAN WATER SRF)	
WATER DEPARTMENT	
HDR ENGINEERING INC	5,729.02
PLATTSMOUTH READY MIX IN	289.09
Total Claims 611,792.24	
Total Salaries and Claims 701,137.36	

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

#### UNFINISHED BUSINESS

##### ITEM 8 A

Kevin Larson, City Inspector reported that one month ago there were three (3) Trailer Courts not in compliance nor were they licensed. As of Thursday, December 3, 2009 all Trailer Courts have secured licenses.

#### NEW BUSINESS

##### ITEM 9 A

Arlis Plummer, Natural Resources Conservation Service (NRCS) gave a presentation on the Final Watershed Plan and Environmental Evaluation, Flood Retarding Structure 4A, Plattsmouth Watershed. After the presentation, Ms. Plummer stated that it is the recommendation of the NRCS to proceed with No Action Without Federal Project which is the least expensive but would meet state standards. This option has an estimated cost of \$27,000.00 which does not include engineering, but the City can request that a State Conservation Engineer draw the design if the City would like to move forward with the project.

##### ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:21 p.m. with regard to a presentation by the (LB840) Economic Development Citizen Advisory Review Committee. Jackie Morehead, Chair to the (LB840) Economic Development Citizen Advisory Review

Committee briefly reviewed the Fiscal Year 08/09 end of year financial summary and grant activity. The Mayor closed the public hearing at 7:24 p.m.

#### ITEM 9 C

Motion by Wassinger, seconded by Jenkins to approve a one week trial membership the week of Friday, January 15 through Friday, January 22, 2010 to nonmembers and waive the \$30.00 joining fee on Saturday, January 23, 2010 to conduct a Plattsmouth Community Center Member Appreciation Week and 2<sup>nd</sup> Annual Chili Contest. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

#### ITEM 9 D

Bid packets for a Snow Hauling Contract with the City of Plattsmouth were sent to five (5) contractors. Bids were opened publicly at City Hall on Monday, December 7, 2009 at 1:00 p.m. Council Member Kerns stated that he is the President of Kerns Excavating and that he will be abstaining from any discussion or action as Kerns Excavating did submit a bid. Motion by Tesarek, seconded by Porter to award the Snow Hauling Contract effective December 8, 2009 through April 1, 2010 to Kerns Excavating, the only contractor that submitted a bid. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

7:30 p.m. Mayor Lambert called for a 5 minute recess.

7:35 p.m. Mayor Lambert reconvened in to regular session.

#### ITEM 9 E

City Administrator, Erv Portis reviewed the possibility of cost sharing with the Plattsmouth Rural Fire Board with regard to the Rescue and presented a spreadsheet breaking down the costs. No action taken.

#### ITEM 9 F

City Administrator, Erv Portis presented a letter from the Nebraska Community Foundation asking the Plattsmouth Main Street to explore options for transitioning out of the Nebraska Community Foundation and the Plattsmouth Community Foundation Fund. Motion by Wassinger, seconded by Bowman to temporarily make the Plattsmouth Main Street Association an entity of the City of Plattsmouth for economic development purposes while the Main Street Association seeks a more permanent solution as a stand-alone entity contingent on receipt of all funds presently held by the Nebraska Community Foundation which are intended for the Plattsmouth Main Street Association. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.



7:48 p.m. Council Member Kerns was excused from the meeting.

## ITEM 9 G

Motion by Bowman, seconded by Porter to adopt a resolution numbered and titled:

### **RESOLUTION NO. 09-034**

**Whereas:** City of Plattsmouth has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

**Whereas:** the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

**Fully qualified** means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

**Full-time public employee** means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

**Public employee** means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

**Responsible charge** means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA’s point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract

certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

**Be It Resolved:** by the City Council of the City of Plattsmouth that:

Gary Hellwig, Public Works Director is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project:

NDOR Project Number URB-6403(2),

NDOR Control Number 22312,

15<sup>th</sup> Street, Avenue A to Avenue C.

City of Plattsmouth assures and agrees that:

- 1) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
- 2) The RC is a full-time public employee.
- 3) The RC is fully qualified and has successfully completed required training to serve as a RC.
- 4) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
- 5) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
- 6) It will provide necessary office space, materials and administrative support for the RC.
- 7) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
- 8) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.
- 9) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
- 10) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
- 11) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**

- 12) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

City of Plattsmouth understands that the following are the duties of the RC:

- a) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- b) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- c) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- d) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- e) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- f) Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- g) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- h) Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- i) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- j) Ensure that proper construction management processes have been developed and implemented for the project;
- k) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- l) Attend all required training including the annual workshop; and
- m) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

Adopted this 7<sup>th</sup> day of December, 2009 at Plattsmouth Nebraska.

/s/R. Paul Lambert, Mayor

Attest:

/s/ Sandra J. Meyer, City Clerk

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

ITEM 9 H

Motion by Jenkins, seconded by Bowman to adopt a resolution numbered and titled:

**RESOLUTION NO. 09-035**

**Whereas:** City of Plattsmouth has a full-time public employee on staff, or has obtained the services of a full-time public employee (an interlocal cooperation agreement, if applicable, is attached) who is fully qualified and has the time and interest in serving as a “Responsible Charge” (RC) for this project. The designated RC will be in day-to-day responsible charge of all aspects of the project, from planning through post-construction activities, with the express purpose of doing all things necessary for the project to remain eligible for federal-aid transportation project funding; and

**Whereas:** the RC will ensure that, at a minimum, (1) the project receives independent and careful development, supervision and inspection, (2) the project is constructed in compliance with the plans and specifications, (3) all aspects of the project, from planning through construction activities, including all environmental commitments, remain eligible for federal funding, and (4) decisions made and actions taken for the project have adequate supporting documentation filed in an organized fashion.

For purposes of this resolution, the following definitions will apply:

**Fully qualified** means a person who has satisfactorily completed all applicable Nebraska Department of Roads (NDOR) training courses and who has met the other requirements necessary to be included on the NDOR list of qualified Local Public Agency (LPA) RCs.

**Full-time public employee** means a public employee who meets all the requirements and is afforded all the benefits of full-time employees as that phrase is applied to other employees of the employing public entity. A person is not a full-time public employee if that person provides outside private consulting services, or is employed by any private entity, unless that person can prove to NDOR in advance, that employee’s non-public employment is in a field unrelated to any aspect of the project for which federal aid is sought.

**Public employee** means a person who is employed solely by a county, a municipality, a political subdivision; a Native American tribe; a school district; another entity that is either designated by statute as public or quasi-public; or an entity included on the list of entities determined by the NDOR, and approved by the Federal Highway Administration (FHWA), as fulfilling public or quasi-public functions.

**Responsible charge** means the public employee who is fully empowered by the LPA and has actual day-to-day working knowledge and responsibility for all decisions related to all aspects of the federal-aid project from planning through construction project activities, including all environmental commitments. The RC is the day-to-day project manager, and the LPA's point-of-contact for the project. Responsible charge does not mean merely delegating the various tasks; it means active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, making decisions, and actively monitoring project construction. It is understood that the RC may delegate or contract certain technical tasks associated with the project so long as the RC actively manages and represents the owner's interests in the delegated technical tasks.

**Be It Resolved:** by the City Council of the City of Plattsburgh that:

Gary Hellwig, Public Works Director is hereby designated as Responsible Charge (RC) for pre-construction and construction phases, in accordance with the Project Program Agreement previously executed, the NDOR LPA Guidelines Manual for Federal-aid Projects, and all Federal, State and local laws, rules, regulations, policies and guidelines for the following Federal-aid transportation project:

NDOR Project Number URB-6403(3),

NDOR Control Number 22314,

15<sup>th</sup> Street, 1<sup>st</sup> Avenue to Main Street.

City of Plattsburgh assures and agrees that:

- 13) It has authorized and fully empowered the RC to be in day-to-day responsible charge of the subject federal-aid project; this does not mean merely supervising, overseeing or delegating the various tasks, it means active day-to-day involvement in the project including identifying issues, investigating options, working directly with stakeholders, and decision-making.
- 14) The RC is a full-time public employee.
- 15) The RC is fully qualified and has successfully completed required training to serve as a RC.
- 16) It will allow the RC to spend all time reasonably necessary to properly discharge all duties associated with the project, including ensuring that all aspects of the project, from planning through post-construction activities, remain eligible for federal-aid highway project funding.
- 17) It will not assign other duties to the RC that would affect his or her ability to properly carry out the duties set out in this agreement.
- 18) It will provide necessary office space, materials and administrative support for the RC.
- 19) It will fully cooperate with, support and not unreasonably interfere with the day-to-day control of the RC concerning the acts necessary for making the project eligible for federal funding.
- 20) It will take all necessary actions and make its best good faith efforts to comply and assist the RC in complying with all federal and state requirements and policies applicable to federal-aid transportation projects, including, but not limited to, all applicable requirements of 23 CFR 635.105.

- 21) It will take all necessary actions and make its best good faith efforts to ensure that the RC's work on the project would be deemed to meet the same standards that the Nebraska Department of Roads must meet under 23 CFR 635.105.
- 22) It will comply with the conflict-of-interest requirements of 23 CFR 1.33.
- 23) It will notify NDOR immediately in the event the designated RC(s) will no longer be assigned to the project. **A supplemental agreement designating a replacement RC may be required by NDOR.**
- 24) It is ultimately responsible for complying with all federal and state requirements and policies applicable to federal-aid highway projects. This includes meeting all post-construction environmental commitments. The LPA understands that failure to meet any eligibility requirements for federal funding may result in the loss of all Federal funding for the project. In the event that the acts or omissions of RC, the LPA or its agents or representatives result in a finding that a project is ineligible for Federal funding, the LPA will be required to repay NDOR some or all previously paid Federal funds and any costs or expenses NDOR has incurred for the project, including but not limited to, those costs for the RC.

City of Plattsmouth understands that the following are the duties of the RC:

- n) Serve as the LPA's contact for issues or inquiries for Federal-aid projects assigned by the LPA;
- o) Ensure that all applicable Federal, State and local laws, rules, regulations, policies and guidelines are followed during the development and construction of the project;
- p) Know and follow the NDOR LPA Guidelines Manual for Federal-aid Projects;
- q) Have active day-to-day involvement in identifying issues, investigating options, working directly with stakeholders, and decision-making;
- r) Ensure that the project plans and specifications are sealed, signed and dated by a professional engineer licensed in the State of Nebraska, and that estimates have been prepared and the construction has been observed by a professional engineer licensed in the State of Nebraska or a person under the direct supervision of a professional engineer licensed in the State of Nebraska (reference Neb. Rev. Stat. § 81-3445);
- s) Competently manage and coordinate the project day-to-day operations, including all project-related decisions, on behalf of the LPA, which includes the LPA's governing body, staff and any extended staff dedicated to the project such as consulting engineers;
- t) Ensure that project documents are thoroughly checked, reviewed and have had quality control measures applied, prior to submitting to NDOR and/or FHWA;
- u) Monitor the progress and schedule of the project and be responsible for ensuring that the project is completed on time in accordance with established milestone dates;
- v) Properly serve as the owner's representative, and to visit the project site during construction on a frequency commensurate with the magnitude and complexity of the project;
- w) Ensure that proper construction management processes have been developed and implemented for the project;

- x) Serve as a steward of the public funds, i.e. ensure that the public gets what it is paying for;
- y) Attend all required training including the annual workshop; and
- z) Fulfill continuing education requirements as specified in the NDOR LPA Guidelines Manual for Federal-aid Projects.

Adopted this 7<sup>th</sup> day of December, 2009 at Plattsmouth Nebraska.

/s/R. Paul Lambert, Mayor

Attest:

/s/ Sandra J. Meyer, City Clerk

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

ITEM 10

Mike Bowman, Streets and Alleys Committee Chairman had nothing to report.

ITEM 11

There was no need for a legislative briefing; discussion; and/or action.

ITEM 14

7:57 p.m. Motion by Tesarek, seconded by Porter to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk