

PLATTSMOUTH CITY COUNCIL
February 15, 2010

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 February 15, 2010 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Mike Bowman, Terry Tilson, Ruth Wassinger, Rod Jenkins and Art Tesarek. 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:

Janet McCartney, District 2 Cass County Commissioner Candidate introduced herself and reviewed her background, experience and various projects that she has been involved with.

MAYOR PROCLAMATION

Mayor Lambert proclaimed February 18, 2010 as "Betty Lambert Day" in recognition of her 90th Birthday

7:06 p.m. Council Member Kerns arrived

CONSENT AGENDA:

Motion by Wassinger, seconded by Jenkins to approve the consent agenda as presented:

- A Consider approval of February 1, 2010 City Council Meeting Minutes
- B Consider approval of the current Plattsmouth Volunteer Fire Department and the Plattsmouth Volunteer Rescue Squad roster
- C Consider approval of claims

CLAIMS REGISTER

REPORT

Please note these are GROSS SALARIES 1/29/10 not Net as before.

General Admin 12,006.12

Humane Dept 1080.00

Police Dept 31,209.08

Street Dept 11,827.86

Public Library 6,767.04

Parks

Oakhill Cemetery 1,497.18

Community Center 10,553.87

Senior Center 1,740.48

Pool

Payroll Sewer Dept. 4,212.94

Payroll Water Dept. 7,070.41

TOTAL SALARIES 87,964.98

VARIOUS

SHELL

4619.05

CINTAS CORPORATION #749

17.75

FIDELITY SECURITY LIFE I

245.52

MUTUAL OF OMAHA

619.37

UNITED STATES LIFE INSUR

96.70

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI

83.09

BLACK HILLS ENERGY

2,027.73

D & D LASER INC

224.85

MICROFILM IMAGING SYSTEM

90.00

NEBRASKA PUBLIC POWER DI

213.36

NEDA MEMBERSHIP SERVICES

75.00

PAPILLION SANITATION

45.08

PAYLESS OFFICE PRODUCTS

156.40	THE COLUMBUS TELEGRAM	
758.84	VERIZON WIRELESS	
212.00	WINDSTREAM	
323.28	HUMANE/CODE ENFORCEMENT	
	BOMGAARS SUPPLY	
7.38	NEBRASKA PUBLIC POWER DI	
223.92	PLATTSMOUTH ANIMAL HOSPI	
499.59	VERIZON WIRELESS	
106.00	RESCUE SQUAD	
	EMS BILLING SERVICES INC	
1,985.82	NEBRASKA PUBLIC POWER DI	
647.15	WALTER YENNEY	
5.32	VFW POST 2543	675.00
	POLICE DEPARTMENT	
	BELLEVUE ANIMAL HOSPITAL	
40.80	CASS COUNTY SHERIFF	
3,509.00	DES MOINES STAMP MFG. CO	
39.90	FIRST WATCH INC	
20.16	GE CAPITAL	
639.00	GENE'S SERVICE & SPORTS	
67.20	LINDER TIRE & AUTO INC	
34.00	MID-STATES ORGANIZED CRI	
150.00	NEBRASKA PUBLIC HEALTH E	
84.00		

113.61	O'REILLY AUTOMOTIVE INC
	OCE IMAGISTICS
194.39	
	PAYLESS OFFICE PRODUCTS
128.53	
	PITNEY BOWES PURCHASE PO
72.10	
	POLICE CHIEFS ASSOC OF N
50.00	
	SIRCHIE FINGER PRINT LAB
66.99	
	TINCHER FORD-MERCURY INC
858.53	
	UNMC PHYSICIANS GROUP 3
30.00	
	VERIZON WIRELESS
755.48	
	WARGA BROADCASTING LLC
300.00	
	WINDSTREAM
343.31	
	STREET DEPARTMENT
	ASPHALT & CONCRETE MATER
674.30	
	CINTAS CORPORATION #749
290.70	
	CONWAY OIL COMPANY
1,675.67	
	FIRST BANKCARD
584.49	
	LINDER TIRE & AUTO INC
139.50	
	LYMAN RICHEY SAND & GRAV
2,749.85	
	MULLENAX AUTO SUPPLY
1,078.84	
	NEBRASKA PUBLIC POWER DI
5,659.90	
	NEBRASKA SALT & GRAIN CO
2,902.38	
	O'REILLY AUTOMOTIVE INC
171.76	
	PAPILLION SANITATION

109.28	PAYLESS OFFICE PRODUCTS	
13.78	SAFETY-KLEEN CORPORATION	
277.82	VERIZON WIRELESS	
424.00	WINDSTREAM	
109.83	PUBLIC LIBRARY	
	BLACK HILLS ENERGY	
568.34	WINDSTREAM	
66.99	PARK & RECREATION	
	MULLENAX AUTO SUPPLY	
4.29	NEBRASKA PUBLIC POWER DI	
140.77	THE COLUMBUS TELEGRAM	
13.46	VERIZON WIRELESS	
106.00	WINDSTREAM	
50.69	CEMETERY	
	BARRET HOME IMPROVEMENT	
65.00	BLACK HILLS ENERGY	
162.93	WINDSTREAM	
74.19	FIRE DEPARTMENT	
	C & L CLEANING	
400.00	CAPE TRUCK TOPPERS	
240.00	PAMIDA DISCOUNT CENTER	
12.99	VERIZON WIRELESS	
106.00	VFW POST 2543	675.00
	SENIOR CITIZEN CENTER	

134.40	FOUR STAR LAUNDRY
	NEBRASKA PUBLIC POWER DI
763.73	
	PAYLESS OFFICE PRODUCTS
19.67	
	SHORT STOP
113.38	
	THE THOMPSON COMPANY
3,749.66	
	COMMUNITY CENTER
	BETTINA MOSLEY
100.00	
	CIT TECHNOLOGY
169.50	
	DOLLAR GENERAL
176.00	
	FITNESS PRO PLUS
1,010.50	
	FOUR STAR LAUNDRY
115.02	
	JEN RUDNICK
50.00	
	MICHAEL ANZALONE
240.00	
	MUTH ELECTRIC
250.00	
	NEBRASKA DEPT OF REVENUE
2,189.86	
	NEBRASKA PUBLIC POWER DI
6,873.58	
	NO FRILLS SUPERMARKET
64.09	
	PAMIDA DISCOUNT CENTER
197.35	
	PAPILLION SANITATION
80.56	
	PLATTSMOUTH STATE BANK
12,559.31	
	RONNIE BECKWITH
50.00	
	ROXANNE DOLECKI
125.00	
	SHARI BARRIES

35.00	THOMAS WOODS
975.00	VERIZON WIRELESS
212.00	AQUATIC
	NEBRASKA PUBLIC POWER DI
61.85	ECONOMIC DEVELOPMENT
	FREMONT NAT'L BANK & TRU
113,553.75	DEBT SERVICE
	WATER & SEWER DEPARTMENT
6,113.22	WATER DEPARTMENT
	BLACK HILLS ENERGY
146.30	CENTRAL TRANSPORTATION S
1,748.84	CITY TREASURER
681.97	DUGAN BUSINESS FORMS
83.40	GREAT PLAINS ONE CALL SE
10.39	HAWKINS INC
1,231.10	LA MOTTE COMPANY
107.43	MIDWEST FARMERS COOPERAT
19.85	MUNICIPAL SUPPLY INC
200.46	NEBRASKA PUBLIC HEALTH E
95.00	NEBRASKA PUBLIC POWER DI
7,299.02	PAMIDA DISCOUNT CENTER
47.57	PAYLESS OFFICE PRODUCTS
9.78	USA BLUEBOOK
145.99	

212.00	VERIZON WIRELESS
360.16	WATER DEPARTMENT-PETTY C
156.64	WINDSTREAM
	SEWER DEPARTMENT
18.96	MUTUAL OF OMAHA
30.40	UNITED STATES LIFE INSUR
1,830.49	BLACK HILLS ENERGY
83.39	DUGAN BUSINESS FORMS
78.40	GRAINGER
41.98	MENARDS
482.50	MIDWEST LABORATORIES INC
2,199.45	NEBRASKA PUBLIC POWER DI
32.41	PAPILLION SANITATION
55.56	UTILITY EQUIPMENT COMPAN
106.00	VERIZON WIRELESS
12.54	WATER DEPARTMENT-PETTY C
66.63	WINDSTREAM
138.00	WINGATE INN
	KENO RESERVE
812.67	SSRJ INC DBA PLATTSMOUTH
20	CSO PROJECT (CLEAN WATER SRF)
4,747.69	HDR ENGINEERING INC
Total Salaries 87,964.98	
Total Claims and Salaries 302,244.31	

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

UNFINISHED BUSINESS

There was no Unfinished Business to discuss or take action on

NEW BUSINESS

ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:07 p.m. to hear any comments on the 2010 One and Six Year Highway and Street Improvement Program for the City of Plattsmouth, Nebraska. No one spoke in favor or opposition to the proposed program. The Mayor closed the public hearing at 7:08 p.m.

ITEM 9 B

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

RESOLUTION NO. 10-003

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA:

WHEREAS, the Assistant Public Works Director has prepared the One and Six Year Road and Street Improvement Plan for 2010;

WHEREAS, the Assistant Public Works Director recommends that the City adopt the Plan; and

WHEREAS, the Mayor and City Council have reviewed the Plan and find that it meets the requirements of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Plattsmouth approve and adopt the One and Six Year Road and Street Improvement Plan for 2010.

PASSED AND APPROVED this 15TH day of February 2010.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 10-003 in to the record. ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Porter, Kerns, Bowman and Tilson. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1798: AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2010-1 IN THE CITY OF PLATTSMOUTH, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM. Motion by Bowman, seconded by Tesarek that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1798 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Porter, Kerns and Bowman. No-None. Absent-Derby. Abstain-None. MOTION CARRIED. Said ordinance was read by title only and thereafter Bowman moved for final passage of the ordinance, which motion was seconded by Tesarek. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Porter. No-None. Absent-Derby. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 D

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

RESOLUTION NO. 10-004

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

The Mayor and Council hereby find and determine that the Mayor and Council will meet on the 15th day of March, 2010, at 7:00 o'clock P.M. at the regular meeting place of the Council, at which time a hearing will be held as to the sufficiency of the written objections filed objecting to the creation of Street Improvement District No. 2010-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. The Clerk is hereby instructed to cause notice of this hearing to be included in the Notice of Creation of the District, published as provided by law.

PASSED AND APPROVED this 15th day of February, 2010.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 10-004 in to the record. ROLL CALL: Yes-Tesarek, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 9 E

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

RESOLUTION NO. 10-005

WHEREAS, the Mayor and City Council are the elected Governing Body of the City of Plattsmouth;

WHEREAS, February 2007, the City of Plattsmouth and the Natural Resources Conservation Service (NRCS) United States Department of Agriculture (USDA) entered into a Memorandum of Understanding relevant Dam Site 4A in Plattsmouth;

WHEREAS, pursuant to the February 2007 Supplemental Memorandum of Understanding the NRCS evaluated the Floodwater Retarding and Grade Stabilization Project alternatives to rehabilitate Dam Site 4-A under the NRCS Watershed Rehabilitation Program;

WHEREAS, the study concluded that the preferred alternative to rehabilitate Dam Site 4-A will consist of re-sloping of the auxiliary spillway outlet, construction of an auxiliary spillway dike and re-vegetation of the disturbed area of floodwater regarding structure No. 4-A of the Plattsmouth Watershed;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PLATTSMOUTH, the City of Plattsmouth enters into Plattsmouth Watershed Supplemental Watershed Supplemental Agreement No. 3 in which the NRCS, Lower Platte South Natural Resources District, and City of Plattsmouth mutually agree that implementation of the selected alternative shall be dependent on receipt of opinion from the Nebraska Department of Natural Resources Dam Safety Engineer that remediation as described in the Agreement is necessary and funds for the work have been appropriated by the LPSNRD and City.

PASSED AND APPROVED this 15th day of February 2010.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 10-005 in to the record. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Wassinger, seconded by Bowman to deny a Tort Claim for personal injury filed by Marie Masters and refer it to the City's insurance company. ROLL CALL: Yes-Jenkins, Tesarek, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-Derby. Abstain-None. MOTION CARRIED.

7:18 P.M. Council Member Derby arrived.

STREETS AND ALLEYS

ITEM 10 A

Mike Bowman, Chairman of the Streets and Alleys Committee stated that the Council received the original request to officially vacate 17th Street between Dukes Add Blk 12 and Dukes Add Blk 11 except Railroad Right of Way on January 4, 2010. After extensive research and making contact with a representative from the Missouri Pacific Railroad (Union Pacific Railroad counsel opposed) Bowman recommended that the Council deny the request as it is not in the best interest of the City. Motion by Kerns, seconded by Bowman to deny the request to officially vacate 17th Street between Dukes Add Blk 12 and Dukes Add Blk 11 except Railroad Right of Way. ROLL CALL: Yes: Wassinger, Porter, Kerns and Bowman. No-Tilson. Absent-None. Abstain-Jenkins, Tesarek and Derby. For lack of a majority vote Mayor Lambert cast a vote of Yes. MOTION CARRIED.

EXECUTIVE SESSION FOR LEGAL ISSUES

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the public interest with regard to discussing contract negotiations with the Board of the Plattsmouth Rural Fire District regarding an Interlocal Agreement. 7:25 p.m. Motion by Porter, seconded by Derby to convene to Executive Session to protect the public interest with regard to discussing contract negotiations with the Board of the Plattsmouth Rural Fire District regarding an Interlocal Agreement. ROLL CALL: Yes-Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Executive Session was to protect the public interest with regard to discussing contract negotiations with the Board of the Plattsmouth Rural Fire District regarding an Interlocal Agreement.

8:02 p.m. Motion by Tesarek, seconded by Jenkins to reconvene in to regular session. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 14

8:08 p.m. Motion by Jenkins, seconded by Tesarek to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk