

PLATTSMOUTH CITY COUNCIL

April 5, 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 April 5, 2010 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:

No one spoke at citizen delegation

MAYOR PROCLAMATION

The Mayor had no proclamations

CONSENT AGENDA:

Motion by Bowman, seconded by Tesarek to approve the consent agenda as presented:

- A Consider approval of March 27, 2010 Special City Council Meeting Minutes
- B Consider approval of claims

CLAIMS REGISTER

REPORT

Please note these are GROSS SALARIES 3/26/10 not Net as before.

General Admin 15,033.42

Humane 1080.00

Police 30,935.07

Street 10,546.42

Public Library 6,597.54

Parks

Oakhill Cemetery 1,393.85
Community Center 9,357.81
Senior Center 1,803.07
Pool
Sewer 4,004.75
Water 7,342.41
TOTAL SALARIES 88,094.34

VARIOUS

AMERICAN FAMILY LIFE	24.10
BLUE CROSS BLUE SHIELD	30,954.61
CENTRAL UNITED LIFE INSU	133.18
FRATERNAL ORDER OF POLIC	195.00
MUTUAL OF OMAHA	1,257.70
PLATTSMOUTH STATE BANK	1,865.08
THE UNION CENTRAL LIFE I	155.02
UNITED STATES LIFE INSUR	103.90
GENERAL ADMINISTRATION	
ACTION FLAG CO	138.61
BLUE CROSS BLUE SHIELD	422.30
CASS COUNTY TREASURER	5,869.50
CHARTER BUSINESS	40.00
DELTA DENTAL PLAN	306.00
EGAN SUPLLY CO	115.12
FIRST BANKCARD	159.62
NEBRASKA PUBLIC POWER DI	154.52
NEBRASKA UNEMPLOYMENT CO	11,141.20
PAYLESS OFFICE PRODUCTS	328.94
PITNEY BOWES INC	59.62
PITNEY BOWES INC.	145.00
PLATTSMOUTH CITY LIBRARY	40.25
PLATTSMOUTH STATE BANK	20.00
QUALITY INN & SUITES	304.75
SANDRA MEYER	133.64
UNLIMITED VISION LLC	316.58
VERIZON WIRELESS	106.00
WELLS FARGO FINANCIAL LE	177.49
WEST GROUP	168.00
HUMANE/CODE ENFORCEMENT	
SPECIALTIES INC	70.92
VCA 80 DODGE ANIMAL HOSP	71.91

VERIZON WIRELESS	53.00
RESCUE SQUAD	
EMS BILLING SERVICES INC	970.19
LINWELD	215.98
MULLENAX AUTO SUPPLY	52.40
TAD M SMITH	20.10
VERIZON WIRELESS	391.71
POLICE	
BELLEVUE ANIMAL HOSPITAL	48.00
CENTER FOR EDUCATION & E	159.00
DELTA DENTAL PLAN	711.50
FACTORYMOTORPARTS	99.00
LINDER TIRE & AUTO INC	32.00
MITCHELL 1	473.20
MULLENAX AUTO SUPPLY	66.00
PAYLESS OFFICE PRODUCTS	18.99
PITNEY BOWES PURCHASE PO	401.93
UNLIMITED VISION LLC	105.75
VERIZON WIRELESS	318.00
STREET	
ALLIED OIL & SUPPLY INC	304.00
ASPHALT & CONCRETE MATER	1,282.60
BARNES DISTRIBUTION	147.21
BLACK HILLS ENERGY	538.99
BOMGAARS SUPPLY	53.29
DELTA DENTAL PLAN	294.80
EGAN SUPLLY CO	103.00
FACTORYMOTORPARTS	17.50
FARM PLAN	23.76
MITCHELL 1	473.20
NEBRASKA PUBLIC POWER DI	157.04
OLD DOMINION BRUSH	1,147.64
PAYLESS OFFICE PRODUCTS	28.95
TITAN MACHINERY	88.89
VERIZON WIRELESS	212.00
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	2,184.81
BLACK HILLS ENERGY	482.40
BOZELL	250.00
CENTER POINT LARGE PRINT	233.64
CHARTER BUSINESS	80.00

DELTA DENTAL PLAN	121.90
DEMCO	193.79
EGAN SUPPLY CO	98.93
FIRST BANKCARD	586.35
GE MONEY BANK/AMAZON	32.27
HIGHSMITH INC	212.50
IKON OFFICE SOLUTIONS	1,468.10
MITCHELL 1	473.20
NEBRASKA PUBLIC POWER DI	502.27
O'KEEFE ELEVATOR CO INC	324.08
PAMIDA DISCOUNT CENTER	53.67
PAYLESS OFFICE PRODUCTS	90.08
POLARIS USERS GROUP	100.00
SPECIALTY STORE SERVICES	87.17
WINDSTREAM	315.70
PARK & RECREATION	
ACTION FLAG CO	135.55
BLACK HILLS ENERGY	167.15
BOMGAARS SUPPLY	392.96
FARM PLAN	297.02
FASTENAL COMPANY	28.40
FIRST BANKCARD	89.94
JOHN DEERE CREDIT	1,559.55
MENARDS	43.01
NEBRASKA PUBLIC POWER DI	94.60
PAYLESS OFFICE PRODUCTS	15.29
VERIZON WIRELESS	53.00
CEMETERY	
ACTION FLAG CO	29.85
DELTA DENTAL PLAN	51.00
NEBRASKA PUBLIC POWER DI	60.74
FIRE DEPARTMENT	
ACTION FLAG CO	32.85
FORT DEARBORN LIFE INSUR	178.88
FOUR STAR LAUNDRY	12.25
HOST COFFEE SERVICE INC	2.14
IDEAL PURE WATER	14.00
MULLENAX AUTO SUPPLY	395.20
TINCHER FORD-MERCURY INC	840.06
VERIZON WIRELESS	53.00

SENIOR CITIZEN CENTER	
BLACK HILLS ENERGY	235.87
BOMGAARS SUPPLY	13.22
EGAN SUPLLY CO	74.14
FOUR STAR LAUNDRY	190.63
OFE OIL INC.	4.50
PAYLESS OFFICE PRODUCTS	114.93
COMMUNITY CENTER	
ACTION FLAG CO	58.85
ADVANCED OFFICE AUTOMATI	71.84
AQUA CHEM INC	80.76
AQUA LOGIC INC	4,640.42
BETTINA MOSLEY	300.00
BLACK HILLS ENERGY	2,122.87
BOMGAARS SUPPLY	5.99
CHARTER BUSINESS	80.86
DELTA DENTAL PLAN	70.90
DOLLAR GENERAL	157.00
EGAN SUPLLY CO	171.23
FITNESS PRO PLUS	189.00
FOUR STAR LAUNDRY	76.68
JEN RUDNICK	50.00
JOY SCANLAN	120.00
KRIZ DAVIS CO	58.14
MICHAEL ANZALONE	240.00
MID-STATES SUPPLY COMPAN	338.40
NO FRILLS SUPERMARKETS	64.09
PAYLESS OFFICE PRODUCTS	666.66
ROXANNE DOLECKI	125.00
SHARI BARRIES	180.00
THOMAS WOODS	975.00
TYRONE ABDUL	50.00
UNLIMITED VISION LLC	198.60
VERIZON WIRELESS	106.00
AQUATIC	
BLACK HILLS ENERGY	19.46
HAUFF SPORTS	114.90
PAYLESS OFFICE PRODUCTS	57.90
ECONOMIC DEVELOPMENT	
FIRST BANKCARD	29.33
HDR ENGINEERING INC	1,438.80

DEBT SERVICE

PLATTSMOUTH STATE BANK-Payoff Hwy Bonds 801,285.84

WATER

BEAVER LAKE MARINA	767.81
BOMGAARS SUPPLY	71.83
CASS COUNTY TREASURER	2,621.71
DELTA DENTAL PLAN	130.60
EGAN SUPPLY CO	45.43
HAWKINS INC	213.00
MISSISSIPPI LIME COMPANY	3,353.75
NEBRASKA PUBLIC HEALTH E	107.00
NEBRASKA PUBLIC POWER DI	6,405.39
PAYLESS OFFICE PRODUCTS	342.00
VERIZON WIRELESS	106.00
WATER DEPARTMENT-PETTY C	458.03
SEWER DEPARTMENT	
BLUE CROSS BLUE SHIELD	2,343.77
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
UNITED STATES LIFE INSUR	30.40
BLACK HILLS ENERGY	1,213.91
BOMGAARS SUPPLY	173.42
CASS COUNTY TREASURER	1,291.29
DELTA DENTAL PLAN	153.00
GENERAL FIRE & SAFETY	1,625.00
JOHN'S APPLIANCE	183.44
NEBRASKA PUBLIC POWER DI	2,128.45
PAMIDA DISCOUNT CENTER	128.76
PAYLESS OFFICE PRODUCTS	342.00
THE WALDINGER CORPORATIO	470.00
VERIZON WIRELESS	53.00
PLATTSMOUTH KENO	
NEBRASKA DEPARTMENT OF R	100.00
DRUG FORFEITURE	
NEXTEL PARTNERS	117.53
20 CSO PROJECT	
BURLINGTON NORTHERN	300.00
HDR ENGINEERING INC	16,979.52
21 NEW WATER TOWER	
HDR ENGINEERING INC	371.48
MUNICIPAL PIPE SERVICES	7,400.00

UTILITY EQUIPMENT COMPAN	254.04
24 STREETSCAPE	
BURLINGTON NORTHERN	300.00
HDR ENGINEERING INC	68,683.21
Total Salaries	88,094.34
Total Salaries and Claims	1,096,849.98

ROLL CALL: Yes-Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. 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 7:03 p.m. with regard to hearing and considering any comments on the Application for Catering License submitted by Mayden Layne Enterprises d/b/a DC's Waterhole, 441 Main Street, Plattsmouth, Nebraska. Jennifer Jensen, one of the owners of DC's Waterhole requested approval of their Application for Catering License for which they submitted for cost benefit. No one else spoke in favor of opposition to the Application for Catering License. The Mayor closed the public hearing at 7:06 p.m.

ITEM 9 B

Motion by Tilson, seconded by Wassinger to make a favorable recommendation to the Nebraska Liquor Control Commission regarding the Application for Catering License submitted by Mayden Layne Enterprises d/b/a DC's Waterhole. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Pursuant to publication, the Mayor opened the public hearing at 7:07 p.m. with regard to determining that no acceptable proposals were received for Private Ownership and Operation of Off-Street Parking Facilities. City Clerk, Sandra J. Meyer stated that there were no proposals received for Private Ownership and Operation of Off-Street Parking Facilities. No one else spoke regarding the Private Ownership and Operation of Off-Street Parking Facilities. The Mayor closed the public hearing at 7:08 p.m.

ITEM 9 D

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

RESOLUTION NO. 10-012

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

1. The Mayor and Council hereby find and determine that notice requesting applications for ownership and operation of off-street parking facilities has been published as required by Section 19-3311, R.R.S. Neb. 2007; that no applications have been received by the City; and that the City is now authorized under the terms of such section to commence a program for the acquisition and construction of off-street parking facilities.

2. The Mayor and Council hereby find and determine that it is necessary and advisable for the City to encourage economic stability and growth, and that for such purposes it is necessary and advisable for the Mayor and Council to proceed under Sections 19-3301 to 19-3327, R.R.S. Neb. 2007, as amended, (the "Act").

3. The Mayor and Council hereby further find and determine that it is necessary and advisable for the City to commence a program to construct and improve off-street parking facilities within the City of Plattsmouth, Nebraska, and that for such purpose it is necessary and advisable that boundaries be established for an off-street parking district to be created pursuant to the Act and to be designated as Vehicle Off-Street Parking District No. 1 of the City of Plattsmouth, Nebraska.

4. The proposed boundaries of Vehicle Off-Street Parking District No. 1 of the City of Plattsmouth, Nebraska, shall be the same as the corporate boundaries of the City.

Said boundaries are hereby determined to include all those properties within the City of Plattsmouth which might be specially benefited by off-street parking improvements within said proposed district. The costs of off-street parking facilities to be acquired and constructed and the costs of operating and maintaining such facilities are expected to be paid for from general property taxes, with financing being provided by issuance of the City's general obligation bonds, all as provided for in the Act.

5. 7:00 o'clock P.M. on the 3rd day of May, 2010, at City Hall, 136 North 5th Street, Plattsmouth, Nebraska, is hereby set as the time and place of a hearing before the Mayor and Council on the creation of said district. At said hearing, any protest or objections to the creation of said district as contemplated in this resolution shall be received, heard and considered. The City Clerk is hereby instructed to give notice of such hearing by publication one time each week for not less than three weeks in the Plattsmouth Journal, a weekly newspaper of general circulation published in the City of Plattsmouth. Such notice to be published pursuant to this resolution shall be in the following form:

**NOTICE OF INTENTION TO CREATE
VEHICLE OFF-STREET PARKING DISTRICT NO. 1
OF THE CITY OF PLATTSMOUTH, NEBRASKA**

Public Notice is hereby given that the Mayor and Council of the City of Plattsmouth, Nebraska, have determined that it is advisable and necessary to commence a program to construct and acquire off-street parking facilities within the City of Plattsmouth pursuant to the provisions of Sections 19-3301 to 19-3327, R.R.S. Neb 2007, as amended, and have by resolution proposed the creation of Vehicle Off-Street Parking District No. 1 of the City of Plattsmouth, Nebraska. The proposed boundaries for said district are the same as the corporate boundaries of the City.

Notice is further given that a public hearing will be held at 7:00 o'clock P.M. on May 3, 2010, at City Hall, 136 North 5th Street, Plattsmouth, Nebraska, before the Mayor and Council on the creation of said district. Not later than such hour for said hearing, the owners or any persons interested in any real estate within said proposed district may severally or with other owners file with the City Clerk written objections to the creation of said district and to said program, to the extent of the proposed district, or both, and every person so interested shall have a right to protest on any grounds and to object to such owner's real estate being included within said district; at such hearing all objections and protests shall be heard and passed upon by the Mayor and City Council. Notice is further given that if the owners of record title representing more than 50% of the taxable valuation of all the taxable real estate included in said proposed district and who are such owners at the time of the first publication of this notice shall file with the City Clerk within 20 days of the first publication of this notice written objections to the formation of said district, said district shall not be formed. If objections are not filed as above set forth and if the Mayor and Council shall find after considering any other protests and objections that may be filed and after considering the evidence presented at such hearing that the public health, welfare, convenience or necessity require the formation of said off-street parking district and the acquisition and construction of off-street parking facilities therein, then such district shall be formed by ordinance.

Notice is further given that the engineer's estimate of the sum of money to be expended in the acquisition of property and the construction of off-street parking facilities in said district is \$164,822.00.

/s/ Sandra J. Meyer, City Clerk

6. The engineer's estimate of the sum of money proposed to be expended for the proposed construction and acquisition of off-street parking facilities within said district is \$164,822.00.

7. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 5th day of April, 2010.

/s/ R. Paul Lambert, Mayor

ATTEST:

/s/ Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 10-012 in to the record. ROLL CALL: Yes-Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Bowman, seconded by Tesarek to approve an Application to Transfer Mobile Home License for Morning Star Trailer Court (Eblen Development LLC) to Podraza Properties Inc. ROLL CALL: Yes-Tilson, Wassinger, Jenkins, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Wassinger, seconded by Derby to authorize the Mayor to execute the Application for the Plaque Program from The Plattsouth Conservancy to recognize City Hall as an historic building by accepting an historic 10" x 7" bronze plaque. ROLL CALL: Yes-Jenkins, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Wassinger. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Bowman, seconded by Jenkins to set the City of Plattsouth 2010 Spring Clean-up for April 24 and 25, 2010 and authorize the solicitation for bids to Waste Haulers. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Wassinger, Jenkins, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1802: **AN ORDINANCE TO AMEND THE PLATTSOUTH REVISED MUNICIPAL ORDINANCES 2002 BY RE-TITLING CHAPTER IV, MOTOR VEHICLES AND BICYCLES; BY AMENDING CHAPTER IV, ARTICLE 4, SECTION 4-402, BICYCLE OPERATION; AND BY REPEALING SECTION 4-429 IN ITS ENTIRETY; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Wassinger that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1802 be adopted on first reading by title only. ROLL CALL: Yes-Derby, Kerns, Bowman, Tilson, Wassinger, Jenkins and Tesarek. No-Porter. Absent-None. 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-Wassinger, Jenkins, Tesarek, Derby, Kerns, Bowman and Tilson. No-Porter. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 I

Mayor Lambert stated that this item would be laid over to a future meeting.

ITEM 9 J

Mike Wilson, Chief of the Plattsburgh Volunteer Fire Department presented the 2010 First Quarter Report. The department currently has 48 members in good standing, 2 new recruits and 1 pending application for membership. From January 1 through March 31, 2010 they have answered 53 calls: 28 were within the City limits and 25 within the Rural Fire District. The highest volume of calls were car wrecks for a total of 18 out of the 53 calls. Wilson updated the Mayor and Council on equipment maintenance and equipment updating issues. Chief Wilson also thanked the Mayor and City Administrator for the time spent negotiating with the Rural Fire Board on the Interlocal Agreement.

ITEM 9 K

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the public interest to discuss pending litigation concerning the condemnation of the utility easement in City vs. Embury. 7:29 p.m. Motion by Jenkins, seconded by Tesarek to convene to Executive Session to protect the public interest to discuss pending litigation concerning the condemnation of the utility easement in City vs. Embury. 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 pending litigation concerning the condemnation of the utility easement in City vs. Embury.

7:35 p.m. Motion by Tesarek, seconded by Jenkins to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 9 L

Motion by Jenkins, seconded by Tilson to authorize the City Attorney to settle the litigation concerning the condemnation of the utility easement in City vs. Embury as discussed in executive session. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson, Wassinger and Jenkins. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10-STREETS AND ALLEYS

There was nothing to discuss for Streets and Alleys.

ITEM 13

7:42 p.m. Motion by Tesarek, seconded by Tilson to adjourn. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk