

PLATTSMOUTH CITY COUNCIL

January 17, 2011

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 January 17, 2011 at the City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Mike Bowman, Terry Tilson, Pat Dugan 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 Mayor 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.

ITEM 5-CITIZEN DELEGATION

No one spoke at citizen delegation.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Tilson, seconded by Bowman to approve the consent agenda as listed including the correction to the spelling of the last name Peterson in Item C:

- A Consider approval of January 3, 2011 City Council Meeting Minutes
- B Consider approval of the Plattsmouth Emergency Medical Services Department Roster
- C Consider the Mayor's recommendation of the appointment of Patti Jo Peterson to the Library Board to fill the vacancy created when Jimmy Bryant resigned, which term expires January 2013 (01/2013)
- D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 12/30/2010 not Net as

before.

General Admin 15,296.22
Humane 1,112.80
Police 32,632.22
Street 11,795.66
Public Library 4,677.40
Parks
Oakhill Cemetery 1,630.41
Community Center 7,528.61
Senior Center 1,924.82
Pool 0
Sewer 4,102.83
Water 7,996.34
Rescue 2,974.04
TOTAL SALARIES 91,671.35

VARIOUS

ALLIE POHLMEIER 31.50
ELIZABETH VAN WASSENHOVE 18.47
FIDELITY SECURITY LIFE I 240.16
KELSEY CAMPBELL 36.50
STATE TREASURY OF NE 210.00

GENERAL ADMINISTRATION

ACCUPRINT LASER SERVICES 264.95
ADVANCED OFFICE AUTOMATI 124.79
BLACK HILLS ENERGY 1,116.69
GOVERNMENT FINANCE OFFIC 170.00
LEAGUE OF NEB MUNICIPALI 650.00
NEBRASKA DEPT OF REV 1,793.68
NEBRASKA PUBLIC POWER DI 208.19
PAYLESS OFFICE PRODUCTS 63.68
RDG PLANNING & DESIGN 270.00
SCHNEIDER AGENCY 35,089.56
SOUTHEAST AREA CLERKS 10.00
THE COLUMBUS TELEGRAM 540.02
VERNE SIMMONDS CO 416.73
WINDSTREAM 320.18

HUMANE/CODE ENFORCEMENT

NEBRASKA PUBLIC POWER DI 224.35

POLICE

CORY SCOTT 30.00
EMBLEM ENTERPRISES INC 257.17
GE CAPITAL 639.00
GENE'S SERVICE & SPORTS 72.42
HART'S AUTO SUPPLY 296.00
LINDER TIRE & AUTO INC 64.00
MENARDS 21.98
MID-STATES ORGANIZED CRI 150.00
MULLENAX AUTO SUPPLY 270.89
NEBRASKA ASSOC OF PROPERTY 25.00

PITNEY BOWES	50.00
TILSON AUTOMOTIVE	69.99
TINCHER FORD-MERCURY INC	638.92
WINDSTREAM	341.49
STREET	
B SHARP TOWING	150.00
BARCO	741.92
KERNS EXCAVATING COMPANY	65.00
MEESKE ACE HARDWARE	95.61
MULLENAX AUTO SUPPLY	105.07
NEBRASKA PUBLIC POWER DI	5,534.32
NEBRASKA SALT & GRAIN CO	1,531.45
WELLS FARGO BANK	19,447.77
WINDSTREAM	101.94
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	144.73
BLACK HILLS ENERGY	434.59
CENTER POINT LARGE PRINT	284.58
PAYLESS OFFICE PRODUCTS	41.98
S & P DISTRIBUTORS	290.08
SPECIALTY STORE SERVICES	56.41
PARK & RECREATION	
BOMGAARS SUPPLY	63.88
JOHN DEERE CREDIT	1,559.55
LINDER TIRE & AUTO INC	138.00
MULLENAX AUTO SUPPLY	41.43
NEBRASKA PUBLIC POWER DI	220.63
PAYLESS OFFICE PRODUCTS	23.11
WINDSTREAM	50.52
CEMETERY	
BLACK HILLS ENERGY	129.26
LINDER TIRE & AUTO INC	8.00
WINDSTREAM	74.87
FIRE DEPARTMENT	
BLACK HILLS ENERGY	136.29
HOST COFFEE SERVICE INC	37.50
WINDSTREAM	105.35
SENIOR CITIZEN CENTER	
EGAN SUPPLY CO	68.68
FOUR STAR LAUNDRY	74.07
NEBRASKA PUBLIC POWER DI	521.49
PAYLESS OFFICE PRODUCTS	52.98
THE THOMPSON COMPANY	6,127.08
WINDSTREAM	116.13
COMMUNITY CENTER	
ALLISON WELCH	75.00
AMANDA MISER	75.00
AQUA LOGIC INC	74.74
BETTINA MOSLEY	175.00
CHARTER BUSINESS	261.22

DEBBIE BAGGENSTOSS	75.00
EGAN SUPPLY CO	411.69
ERIN HOYT	55.41
FOUR STAR LAUNDRY	134.82
JEN RUDNICK	25.00
KAREN MOREHEAD	100.00
KELLEY SCANLAN	100.00
KRIZ DAVIS CO	335.74
MAKD, INC	100.00
MICHAEL ANZALONE	180.00
MICHELLE MCKNIGHT	50.00
MULLENAX AUTO SUPPLY	37.50
NEBRASKA PUBLIC POWER DI	4,693.46
SARAH ASCHENBRENNER	25.00
SHARI BARRIOS	90.00
THOMAS WOODS	975.00
UNLIMITED VISION LLC	502.00
WINDSTREAM	348.38
AQUATIC	
NEBRASKA PUBLIC POWER DI	72.28
ECONOMIC DEVELOPMENT	
PLATTSMOUTH CHAMBER OF C	7,000.00
EMS	
ALS AFFILIATES	50.00
BLACK HILLS ENERGY	136.28
BLUE CROSS BLUE SHIELD	921.04
HOST COFFEE SERVICE INC	37.50
LIFE-ASSIST INC	1,174.48
LINWELD	47.45
MATHESON TRI-GAS INC	214.81
METRO BILLING SERVICES	405.00
TAMRA NIELSON	70.00
THE COLUMBUS TELEGRAM	500.76
WINDSTREAM	105.35
ZOLL MEDICAL CORPORATION	359.50
WATER	
AMERICAN WATER WORKS ASS	165.00
BLACK HILLS ENERGY	45.24
CENTRAL TRANSPORTATION S	1,775.79
GREAT PLAINS ONE CALL SE	26.10
HAWKINS INC	1,585.50
HD SUPPLY WATERWORKS LTD	561.72
HIGGINS HARDWARE	37.17
MIDWEST FARMERS COOPERAT	16.19
MUNICIPAL SUPPLY INC	428.36
NEBRASKA PUBLIC POWER DI	6,701.51
NEBRASKA RURAL WATER ASS	137.50
O'REILLY AUTOMOTIVE INC	177.21
SARGENT DRILLING	800.00
SCHNEIDER AGENCY	14,035.82

WATER DEPARTMENT-PETTY C	464.55
WINDSTREAM	152.68
SEWER	
BLACK HILLS ENERGY	1,670.19
GREAT PLAINS ONE CALL SE	26.10
HD SUPPLY WATERWORKS LTD	3,800.00
LINDER TIRE & AUTO INC	12.00
MIDWEST LABORATORIES INC	902.10
NEBRASKA PUBLIC POWER DI	1,169.02
NEBRASKA RURAL WATER ASS	137.50
OFE OIL INC.	53.50
RAILROAD MANAGEMENT COMP	500.00
SCHNEIDER AGENCY	9,357.22
UTILITIES SERVICE GROUP	1,335.15
WINDSTREAM	66.13
SENIOR CITIZEN CENTER	
HOCKENBERGS	105.04
28 .05% SALES TX ST/SIDE MAINT DEBT	
PLATTSMOUTH STATE BANK	15,171.50
Total Claims 164,710.78	
Total Claims and Salaries 256,382.13	

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Bowman, seconded by Tesarek to receive all bids for a three year "Farm Lease" for approximately sixty-six (66) acres, more or less, of farmable ground near the City of Plattsmouth, award the Farm Lease to Nicholas J. Smith and Jerome L. Smith with a lump sum bid of \$15,971.34 (\$241.99 per acre) contingent on receipt of proof of liability insurance and direct the Mayor to execute the "Farm Lease". ROLL CALL: Yes-Tilson, Dugan, Tesarek, Porter and Bowman. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Dugan, seconded by Tilson to receive the report on Main Street Outfall Storm Sewer from Chris Koenig, HDR Inc. On a voice vote, MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

John Yochum, Executive Director of the Cass County Nebraska Economic Development Council (CCNEDC) distributed a handout and reviewed the CCNEDC activities of the past year. After

discussion, motion by Bowman, seconded by Dugan to approve the Agreement between the City of Plattsmouth and Cass County Nebraska Economic Development Council for economic development services and authorize the Mayor to execute the Agreement and authorize payment of the \$15,000.00 invoice to the Cass County Nebraska Economic Development Council. ROLL CALL: Yes-Tesarek, Porter, Bowman, Tilson and Dugan. No-None. Absent-Kerns and Derby. Abstain-None. MOITON CARRIED.

ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:18 p.m. with regard to a request by Jim Nielsen, agent for Beverly J. Stoehr, for a special use permit for Religious Assembly in a RR (Rural Residential) Zoning District on property located at 146 Oak Hill Road, legally described as Section 14, Township 12 Range 13, Lot 1 of 4 and PT DB114, { 162, ME1/4, NE1/4 (2.19a). No one spoke in favor or opposition to the request. The Mayor closed the public hearing at 7:19 p.m.

ITEM 9 C

Council Member Bowman introduced a Resolution numbered and titled: **RESOLUTION NO. 11-003: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE, SUBJECT TO THE CONDITIONS HEREOF, A SPECIAL USE PERMIT FOR RELIGIOUS ASSEMBLY IN A RURAL RESIDENTIAL ZONING DISTRICT (RR) ON PROPERTY LOCATED AT 146 OAK HILL ROAD, CASS COUNTY, NEBRASKA.**

Motion by Bowman, seconded by Tesarek to adopt Resolution No. 11-003:

RESOLUTION NO. 11-003

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE, SUBJECT TO THE CONDITIONS HEREOF, A SPECIAL USE PERMIT FOR RELIGIOUS ASSEMBLY IN A RURAL RESIDENTIAL ZONING DISTRICT (RR) ON PROPERTY LOCATED AT 146 OAK HILL ROAD, CASS COUNTY, NEBRASKA.

WHEREAS, application was made for a special use permit;

WHEREAS, the Planning Commission recommended approval of the application; and

WHEREAS, a public hearing on the application was held January 17, 2011.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the application for a special use permit to operate a religious assembly at 146 Oak Hill Road, Cass County, Nebraska in a Rural Residential Zoning District (RR) is approved, subject to the following conditions which shall be satisfied at the applicant's expense:

- (1) the special use permit is limited to this fellowship;
- (2) the septic system be inspected by a qualified person and deemed adequate, with proof of such provided to the City Clerk;
- (3) the special use permit be contingent upon ownership, with proof of such provided to the City Clerk; and
- (4) the special use permit is restricted to the current structures and facilities.

PASSED AND APPROVED this 17TH day of January 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read the entire resolution in to the record. ROLL CALL: Yes-Porter, Bowman and Tesarek. No-Tilson and Dugan. Absent-Kerns and Derby. Abstain-None. MOTION FAILED.

ITEM 9 D

Council Member Bowman introduced a Resolution numbered and titled: RESOLUTION NO. 11-004: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE PLATTSMOUTH POLICE DEPARTMENT TO EXERCISE THE CITY'S POLICE POWERS AND JURISDICTION AT ALL REAL PROPERTY OWNED BY THE CITY OF PLATTSMOUTH, NEBRASKA WHICH IS OUTSIDE THE CITY OF PLATTSMOUTH CORPORATE LIMITS.**

Motion by Bowman, seconded by Dugan to adopt Resolution No. 11-004.

RESOLUTION NO. 11-004

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE PLATTSMOUTH POLICE DEPARTMENT TO EXERCISE THE CITY'S POLICE POWERS AND JURISDICTION AT ALL REAL PROPERTY OWNED BY THE CITY OF PLATTSMOUTH, NEBRASKA WHICH IS OUTSIDE THE CITY OF PLATTSMOUTH CORPORATE LIMITS.

WHEREAS, *Neb. Rev. Stat.* § 18-1706 empowers cities to, by resolution, authorize police departments to exercise the city's police powers and jurisdiction at real property owned by the city which is outside the city's corporate limits;

WHEREAS, *Neb. Rev. Stat.* § 18-1715 empowers the cities to own real property outside their corporate limits and to exercise police jurisdiction over the same as if the same were located within the corporate limits;

WHEREAS, the City of Plattsmouth, Nebraska owns real property located outside the corporate limits; and

WHEREAS, the Mayor and City Council find and determine that it is necessary for the public safety and protection of City property located outside the corporate limits to authorize the Plattsmouth Police Department to exercise the City's police powers and jurisdiction at all real property owned by the City of Plattsmouth, Nebraska which is outside the City of Plattsmouth corporate limits.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the Plattsmouth Police Department is hereby authorized to exercise the City's police powers and jurisdiction at all real property owned by the City of Plattsmouth, Nebraska which is outside the City of Plattsmouth corporate limits.

PASSED AND APPROVED this 17TH day of January 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read the entire resolution in to the record. ROLL CALL: Yes-Tilson, Dugan, Tesarek, Porter and Bowman. No-None. Absent-Kerns and Derby. Abstain-None. MOTION CARRIED.

ITEM 9 E

Council Member Bowman introduced a resolution numbered and titled: **RESOLUTION NO. 11-005: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO PROHIBIT PARKING IN EXCESS OF 48 HOURS IN THE PUBLIC PARKING LOT LOCATED NEAR 4TH AVENUE AND SOUTH 18TH STREET WHICH IS ADJACENT TO MEMORIAL PARK BASEBALL FIELD, IN THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA, AND TO SO POST THE SAME.**

Motion by Bowman to adopt Resolution No. 11-005:

RESOLUTION NO. 11-005

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO PROHIBIT PARKING IN EXCESS OF 48 HOURS IN THE PUBLIC PARKING LOT LOCATED NEAR 4TH AVENUE AND SOUTH 18TH STREET

WHICH IS ADJACENT TO MEMORIAL PARK BASEBALL FIELD, IN THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA, AND TO SO POST THE SAME.

WHEREAS the Plattsmouth City Council has considered the public safety; and

WHEREAS the City Council is authorized to regulate parking in public areas.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska to prohibit parking in excess of 48 hours in the public parking lot located near 4TH Avenue and South 18TH Street which is adjacent to Memorial Park baseball field, in the City of Plattsmouth, Cass County, Nebraska, and to so post the same.

PASSED AND APPROVED this 17TH day of January 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Motion to adopt Resolution No. 11-005 died due to lack of a second.

ITEM 9 F

Motion by Tilson, seconded by Porter to receive claim of New Cingular Wireless PCS LLC for refund of Plattsmouth, Nebraska Business and Occupation Tax in the amount of \$2,451.72. On a voice vote, MOTION CARRIED.

ITEM 10-STREETS AND ALLEYS

Mike Bowman, Chairman of the Streets and Alleys Committee clarified the 48 hour parking at the City Parking Lot at the old swimming pool (4th Avenue and 18th Street) and presented pictures of a City Parking Lot being used for auto repair. Council Member Dugan questioned why the 48 hours does not apply to all city parking lots and stated that he would like to see a resolution that was for all the city parking lots.

ITEM 13

7:38 p.m. Motion by Tesarek, seconded by Tilson to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk