

PLATTSMOUTH CITY COUNCIL
March 21, 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 March 21, 2011 at City Hall in Plattsmouth Nebraska. Present were Council Members: John Porter, Terry Kerns, Mike Bowman, Terry Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Also present: City Administrator Erv Portis, City Clerk Sandra J. Meyer, City Treasurer Peggy Wilsey, City Inspector Kevin Larson 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 Porter, seconded by Riese to approve the consent agenda as listed:

- A Consider approval of March 7, 2011 City Council Meeting Minutes
- B Consider approval of the appointment of the following proposed new members to the Plattsmouth Emergency Medical Services Department: Timothy Maloney and Victoria Facciola
- C Consider approval of claims
CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 3/11/2011 not Net as before.

General Admin 12,871.22

Humane 1,112.80

Police 29,382.13

Street 11,816.76

Public Library 4,928.77

Parks

Oakhill Cemetery 1,409.28

Community Center 7,937.47
 Senior Center 1,987.86
 Pool 0
 Sewer 4,133.41
 Water 7,564.03
 Rescue 3,161.54
 TOTAL SALARIES 86,305.27

VARIOUS

NEBRASKA STATE PATROL 500.00
 PLATTSMOUTH STATE BANK 500.00

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 137.27
 BLACK HILLS ENERGY 1,188.10
 CASS County Treasurer- IT 11,745.50
 City Treasurer- Reimburse Petty Cash 73.06
 D & D LASER INC 359.75
 LEAGUE OF NEB MUNICIPALI 335.00
 MICROFILM IMAGING SYSTEM 90.00
 NEBRASKA PUBLIC POWER DI 60.00
 PAYLESS OFFICE 14.56
 Sandy Meyer 129.57
 SCHNEIDER AGENCY 2,984.40
 THE COLUMBUS TELEGRAM 516.16
 VERIZON WIRELESS 72.80
 WINDSTREAM 541.79
 WIREBUILT CO 50.00

HUMANE/CODE ENFORCEMENT

City Treasurer- Reimburse Petty Cash 10.00
 VERIZON WIRELESS 36.40

POLICE

ANDREW KENNAN 51.91
 DINA'S TAILORING 294.00
 IT'S GOT TO GO 225.00
 KENZ & LESLIE DISTRIBUTI 186.60
 LINDER TIRE & AUTO INC 16.00
 MITCHELL 1 599.67
 MULLENAX AUTO SUPPLY 25.41
 NEXTEL PARTNERS .00
 PITNEY BOWES 100.00
 REID RICHTER 57.55
 VERIZON WIRELESS 109.19
 WINDSTREAM 343.16

STREET

CASS COUNTY G I S 80.00
 CONWAY OIL COMPANY 2,170.94
 FIRST BANKCARD 9.99
 MITCHELL 1 599.67
 MULLENAX AUTO SUPPLY 294.67
 NEBRASKA PUBLIC POWER DI 112.07

TITAN MACHINERY	30.45	
VERIZON WIRELESS	145.59	
WINDSTREAM	101.83	
PUBLIC LIBRARY		
BAKER & TAYLOR BOOKS	1,263.29	
BLACK HILLS ENERGY	454.26	
CASS County Treasurer- IT	1,950.00	
CENTER POINT LARGE PRINT	284.58	
City Treasurer- Reimburse Petty Cash		33.27
DEMCO	78.47	
MIDWEST MINOR MEDICAL	25.00	
MITCHELL 1	599.66	
O'KEEFE ELEVATOR CO INC	8.96	
PARK & RECREATION		
MULLENAX AUTO SUPPLY	79.87	
NEBRASKA PUBLIC POWER DI	93.64	
VERIZON WIRELESS	36.40	
WINDSTREAM	50.91	
CEMETERY		
BLACK HILLS ENERGY	132.75	
MULLENAX AUTO SUPPLY	40.85	
NEBRASKA PUBLIC POWER DI	60.37	
WINDSTREAM	74.42	
FIRE DEPARTMENT		
AVG TECH- ACCT 785658942	252.17	
BLACK HILLS ENERGY	213.26	
BILL DUDEK 84.37		
BRIAN WUELLING	84.37	
DEBBIE KNOPIK	33.58	
FOUR STAR LAUNDRY	25.79	
HIGGINS HARDWARE	4.46	
IDEAL PURE WATER	14.00	
KATHRYN SHARP	428.00	
MICHAEL WILSON	281.24	
MULLENAX AUTO SUPPLY	452.51	
NEBRASKA DEPT OF HEALTH	60.00	
NEBRASKA PUBLIC POWER DI	403.99	
NFPA	150.00	
SCOTT D REISSIG	22.50	
SONICWALL	390.00	
WINDSTREAM	104.54	
SENIOR CITIZEN CENTER		
FOUR STAR LAUNDRY	222.21	
NEBRASKA PUBLIC POWER DI	585.03	
SHORT STOP	124.64	
THE THOMPSON COMPANY	4,686.96	
WINDSTREAM	119.59	
COMMUNITY CENTER		
ADVANCED OFFICE AUTOMATI	7.00	
ALLISON WELCH	125.00	

ALYSSA L STANDER	82.50
ANDERSON ELECTRIC & PUMP	238.00
BETTINA MOSLEY	225.00
DEBBIE BAGGENSTOSS	75.00
DIANA L. POGREBA	175.00
DONNA HOLMES	100.00
ELECTRIC MACHINERY SALES	130.70
FOUR STAR LAUNDRY	19.26
JEN RUDNICK	50.00
JOY SCANLAN	96.00
KAREN MOREHEAD	100.00
KELLEY SCANLAN	50.00
MICHAEL ANZALONE	300.00
MICHAEL L. & DEBRA S. FL	228.50
MICHELLE MCKNIGHT	25.00
MULLENAX AUTO SUPPLY	11.49
NEBRASKA PUBLIC POWER DI	5,265.28
SARAH ASCHENBRENNER	75.00
SHARI BARRIOS	180.00
VERIZON WIRELESS	72.80
WINDSTREAM	358.76

EMS

ALARM PROS	101.25	
BLACK HILLS ENERGY	213.27	
City Treasurer- Reimburse Petty Cash		.44
EMS BILLING SERVICES INC	66.13	
GREG'S BODY SHOP	1,565.71	
LINDA MONAHAN	111.43	
MATHESON TRI-GAS INC	309.19	
METRO BILLING SERVICES	450.00	
NEBRASKA PUBLIC POWER DI	403.99	
PAMIDA DISCOUNT CENTER	108.98	
SONICWALL	390.00	
WINDSTREAM	104.53	
WIREBUILT CO	50.00	
ZOLL MEDICAL CORPORATION	608.94	

WATER

CASS County Treasurer- IT	3,521.70
ELECTRIC PUMP	2,258.60
FIRST BANKCARD	50.97
GREAT PLAINS ONE CALL SE	9.98
HAWKINS INC	316.00
HIGGINS HARDWARE	66.88
LINDER TIRE & AUTO INC	62.00
MENARDS	224.08
NE PUBLIC HEALTH ENVIRON	109.00
NEBRASKA PUBLIC POWER DI	6,184.54
O'REILLY AUTOMOTIVE INC	98.87
OLMSTED & PERRY ENGINEER	8,700.00
PAYLESS OFFICE PRODUCTS	37.61

SCHNEIDER AGENCY	1,193.76
U.S. POSTAL SERVICE	185.00
VERIZON WIRELESS	109.19
WINDSTREAM	152.12
SEWER	
City Treasurer- Reimburse Petty Cash	5.00
BLACK HILLS ENERGY	1,738.39
CASS County Treasurer- IT	2,347.80
City Treasurer- Reimburse Petty Cash	16.56
DEETER FOUNDRY INC	330.00
DPC INDUSTRIES INC	45.00
FERGUSON ENTERPRISES	40.36
GREAT PLAINS ONE CALL SE	9.98
MIDWEST LABORATORIES INC	273.20
MULLENAX AUTO SUPPLY	39.35
NEBRASKA PUBLIC POWER DI	1,821.20
PAMIDA DISCOUNT CENTER	22.00
PAPILLION SANITATION	36.18
SCHNEIDER AGENCY	795.84
USA BLUEBOOK	172.92
UTILITY EQUIPMENT COMPAN	142.08
VERIZON WIRELESS	36.40
WINDSTREAM	66.29
DRUG FORFEITURE	
NEXTEL PARTNERS	55.67
BURK TRUST-EMS	
GALLS	133.96
PHONES PLUS	2,845.80
05% SALES TX ST/SIDE MAINT DEBT	
PLATTSMOUTH STATE BANK	1,032.50
Total Claims 86,668.90	
Total Claims and Salaries 172,974.17	

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Bowman, seconded by Tilson to approve the publication of a notice for a request for sealed bids for the disposition of City-owned property legally described as Lot Ten (10), Block Fifty-eight (58), City of Plattsmouth, Cass County, Nebraska, also known as 810 4th Avenue with legal stipulations. City Attorney Roger Johnson reminded the Council that they will have to follow the Remonstrance Process. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Chris Koenig, HDR Inc. Project Manager stated that “hopefully the last of the big surprises” and the completion date would also be pushed back to October 2011-all but the landscaping and the punch list will be complete the end of July 2011. Motion by Riese, seconded by Bowman to approve Change Order No. 7 on the Main Street Corridor Improvement Project with a Difference Net of \$452,814.43 for a revised contract price of \$5,220,163.35 and a revised contract time of 473 calendar days. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Bowman. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Council Member Kerns stated that he would be abstaining from any discussion or action as his company, Kerns Excavating, would be a potential bidder for the project. Steve Perry, Olmsted & Perry Consulting Engineers Inc., City Engineer presented information regarding the Water Transmission Main Replacement Project-BNSF Railroad right of way to the Plattsmouth Water Plant. Perry has been in contact with the Corp of Engineers regarding some wetland issues. The completion date would be May 1, 2011 due to the rising water level. Portis stated that BNSF would require railroad protective insurance. Motion by Dugan, seconded by Riese to authorize the publication of a notice for sealed bids for the Water Transmission Main Replacement Project-BNSF Railroad right of way to the Plattsmouth Water Plant. ROLL CALL: Yes-Riese, Dugan, Tesark, Derby, Porter, Bowman and Tilson. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

The discussion with Jeff DeLine, Dana F. Cole regarding the 2009/2010 City of Plattsmouth audit report will be heard at a later date.

ITEM 9 C

Mayor Lambert recommended the reappointment of Millie Buethe to the Housing Authority for a 5 year term commencing May 2011. Motion by Bowman, seconded by Derby to approve the reappointment of Millie Buethe to the Housing Authority for a 5 year term commencing May 2011. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Council member Kerns introduced a Resolution numbered and titled: RESOLUTUION NO. 11-009: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH A PROCESS TO REQUEST STREET OR SIDEWALK CLOSING FOR EVENTS.

Motion by Kerns, seconded by Bowman to adopt Resolution No. 11-009:

RESOLUTION NO. 11-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH A PROCESS TO REQUEST STREET OR SIDEWALK CLOSING FOR EVENTS.

WHEREAS, the Plattsmouth City Council has the authority to regulate the use of the public streets and sidewalks pursuant to *Neb. Rev. Stat. § 16-210*; and

WHEREAS, the Plattsmouth City Council has considered the public safety as it relates to the process of closing streets and sidewalks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Plattsmouth, Nebraska to establish the following process by which parties may request temporary street closings for events and other uses by private parties:

1. Application shall be made in writing to the City Clerk.
2. The City Clerk shall provide a copy of the application to the Police Chief, the Public Works Director, the Emergency Medical Services Director, and the Fire Chief who each shall provide written comment to the City Clerk in regard to any issues anticipated with the request and any costs the City will incur if the application is granted.
3. The applicant also shall provide any additional information required by the Nebraska Department of Roads if the special event involves the closure of a state highway.
4. The application and reports referred to in paragraph 2 above shall be placed on the agenda for a meeting of the City Council for consideration.
5. If the application is approved by the City Council, the City Clerk shall issue the permit only upon proof of insurance in the form of a certificate of insurance provided by the applicant which names the City of Plattsmouth as a secondary insured entitled to not less than 21 days advance notice of any cancellation. The insurance coverages shall be no less than the following:
 - a. General Liability with limits of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate.
 - b. Automobile Liability with limits of at least \$1,000,000 Combined Single Limit (CSL) per Accident; Coverage shall apply to all Owned, Hired, and Non-Owned Autos.
 - c. Workers' Compensation with Nebraska statutorily limits.
 - d. Employer's Liability with limits of not less than \$100,000 each Accident; \$100,000 Disease (per person); \$500,000 Disease (policy limit).

PASSED AND APPROVED this 21st day of March 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Council Member Riese questioned the liability insurance amounts because after checking he found that there could be a considerable expense to the person/organization holding the event to obtain the insurance with the limits listed in the resolution. After discussion City Attorney Roger Johnson read the entire resolution in to the record. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Tilson and Dugan. No-Riese. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

City Administrator Erv Portis stated that the Plattsmouth School Board is examining their options, so by putting this Memorandum of Understanding in place there is an understanding regarding the Legion Ball Field for the 2011 High School Junior Varsity Baseball season. Motion by Kerns, seconded by Porter to approve the Memorandum of Understanding (MOU) and Agreement by and between the City Council of Plattsmouth, Nebraska (City) and the Plattsmouth Community School District (District) for the use of Plattsmouth Memorial Baseball (Legion) field (the Field) during the 2011 High School Junior Varsity Baseball season and authorize the Mayor to execute the document. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Tilson, seconded by Riese to approve conducting a Spring 2011 membership drive and the Plattsmouth Community Center and establish a Spring Promotional Rate specific to the drive. ROLL CALL: Yes-Porter, Kerns, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Mayor Lambert stated that ITEM 9 G will be moved directly before ITEM 13.

ITEM 10-STREETS AND ALLEYS

Mike Bowman, Chair of the Streets and Alleys Committee suggested that the Yield Sign for westbound traffic at Avenue B and North 8th Street should be changed to a Stop Sign. This issue will be placed on the agenda for the April 4, 2011 Regular City Council Meeting.

ITEM 9 G

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the public interest with regard to the discussion of contract negotiations with Wiles Crossing, LLC related to a development agreement for Wiles Crossing commercial development. 7:52 p.m. Motion by Porter, seconded by Tilson to convene to Executive Session to protect the public interest with regard to the discussion of contract negotiations with Wiles Crossing, LLC related to a development agreement for Wiles Crossing commercial development. ROLL CALL: Yes-Kerns, Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. 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 the discussion of contract negotiations with Wiles Crossing, LLC related to a development agreement for Wiles Crossing commercial development.

8:41 p.m. Motion by Tilson, seconded by Dugan to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 13

8:42 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