

PLATTSMOUTH CITY COUNCIL

April 18, 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 April 18, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Mike Bowman, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Absent: Council Member Terry D. Tilson. 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

The Mayor proclaimed the week of April 25-April 30, 2011 as Community Development Week in Plattsmouth. Mr. Portis shared the news of Plattsmouth's selection as a 2011 Governor's Showcase Community Award Winner.

ITEM 7-CONSENT AGENDA:

Motion by Riese, seconded by Dugan to approve the consent agenda as listed with the stated changes to Item B: The Contract Proposal for Timing Services provided by Precision Race Results:

- A Consider approval of April 4, 2011 City Council Meeting Minutes
- B Consider the request of Beckie Vermuele, Program Director at the Plattsmouth Community Center, to hold the 4<sup>th</sup> Annual Sprint Triathlon on Jun 11, 2011
- C Consider approval of claims

Please note these are GROSS SALARIES 3/25/2011 not Net as before.

General Admin 12,871.22

Humane 1,112.80

Police 29,680.41

Street 10,439.54

Public Library 6,291.73

Parks 576.00  
Oakhill Cemetery 1,409.28  
Community Center 7,702.58  
Senior Center 2,012.90  
Pool 0  
Sewer 4,185.29  
Water 7,347.62  
Rescue 3,161.54  
TOTAL SALARIES 86,790.91

Various

CINTAS CORPORATION #749	18.60
FIDELITY SECURITY LIFE I	246.12
GENERAL ADMINISTRATION	
ACTION FLAG CO	45.18
ADVANCED OFFICE AUTOMATI	245.30
BLACK HILLS ENERGY	773.85
COMPUTERS TO GO	469.00
DUGAN BUSINESS FORMS	317.09
JEFF KINDIG	381.91
MICROFILM IMAGING SYSTEM	90.00
NEBRASKA PUBLIC POWER DI	60.00
PAPILLION SANITATION	48.50
PAYLESS OFFICE PRODUCTS	40.14
SCHNEIDER AGENCY	35,278.80
THE COLUMBUS TELEGRAM	392.60
WINDSTREAM	84.26
WIREBUILT CO	50.00
HUMANE/CODE ENFORCEMENT	
HEARTS UNITED	280.00
LAMBERT VET SUPPLY	86.94
MULLENAX AUTO SUPPLY	67.12
NEBRASKA PUBLIC POWER DI	193.91
PLATTSMOUTH ANIMAL HOSPI	137.00
POLICE	
GE CAPITAL	639.00
JACK'S UNIFORMS & EQUIPM	333.00
LINDER TIRE & AUTO INC	32.00
MULLENAX AUTO SUPPLY	276.73
O'REILLY AUTOMOTIVE INC	69.99
PITNEY BOWES	50.00
TINCHER FORD-MERCURY INC	121.28
ULTRAMAX	580.00
WINDSTREAM	344.22
STREET	
ALLIED OIL & SUPPLY INC	2,138.85
ASPHALT & CONCRETE MATER	605.00
BOBCAT OF OMAHA	155.98
CINTAS CORPORATION #749	237.40
ENVIROTECH SERVICES INC	4,401.10

FASTENAL COMPANY	236.06
HIGGINS HARDWARE	7.37
LINDER TIRE & AUTO INC	84.00
MARK HYDRAULIC CO INC	1.36
MEESKE ACE HARDWARE	13.94
MENARDS	9.30
MICHAEL TODD & COMPANY I	197.21
MULLENAX	363.37
NEBRASKA PUBLIC POWER DI	6,622.81
OLD DOMINION BRUSH	907.56
OLMSTED & PERRY ENGINEER	581.96
PAPILLION SANITATION	117.66
READY MIX CONCRETE CO	802.88
ROSE EQUIPMENT INC	662.41
SAFETY-KLEEN CORPORATION	327.26
WINDSTREAM	105.74
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	1,274.16
BLACK HILLS ENERGY	238.06
CENTER POINT LARGE PRINT	284.58
CHARTER BUSINESS	40.00
DEMCO	130.83
MEESKE ACE HARDWARE	41.94
WINDSTREAM	120.75
PARK & RECREATION	
ACTION FLAG CO	87.17
AMERICAN FENCE CO	1,459.00
B & D DIAMOND PRO INC	110.00
DAVIS EQUIPMENT CORP	71.46
HIGGINS	32.82
JOHN DEERE CREDIT	1,559.55
LINDER TIRE & AUTO INC	60.00
MENARDS	186.20
MULLENAX AUTO SUPPLY	315.97
NEBRASKA PUBLIC POWER DI	131.81
STEPHEN C. WARGA	13.00
STEUBE'S THRIFTWAY	5.78
WINDSTREAM	50.16
CEMETERY	
ACTION FLAG CO	31.17
BLACK HILLS ENERGY	79.08
LINDER TIRE & AUTO INC	18.00
MULLENAX AUTO SUPPLY	40.13
SAMUEL C MCCANDLESS	50.00
WINDSTREAM	74.06
FIRE DEPARTMENT	
ACTION FLAG CO	15.59
BLACK HILLS ENERGY	85.38
FOUR STAR LAUNDRY	26.29
IDEAL PURE WATER	14.00

KATHRYN SHARP	428.00
NEBRASKA PUBLIC POWER DI	348.87
OFE OIL INC.	3,449.52
P&W	343.75
WINDSTREAM	101.37
Witmer Public Safety	2,637.00

SENIOR CITIZEN CENTER

NEBRASKA PUBLIC POWER DI	635.75
OFE OIL INC.	34.85
SHORT STOP	185.53
THE THOMPSON COMPANY	5,761.42
WINDSTREAM	105.25

COMMUNITY CENTER

ACTION FLAG CO	45.18
ADVANCED OFFICE AUTOMATI	226.11
ALLISON WELCH	100.00
ALYSSA L STANDER	187.50
AMANDA MISER	25.00
DEBBIE BAGGENSTOSS	150.00
DIANA L. POGREBA	125.00
DONNA HOLMES	100.00
EGAN SUPPLY CO	200.12
ELECTRIC MACHINERY SALES	231.00
FIRST WATCH INC	420.00
FOUR STAR LAUNDRY	77.04
HIGGINS HARDWARE	23.10
JOY SCANLAN	96.00
KAREN MOREHEAD	150.00
KELLEY SCANLAN	75.00
MAIN STREET JEWELERS	37.95
METAL DOORS & HARDWARE C	280.00
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	50.00
MULLENAX	2.99
NE DOL/ OFFICE SAFETY &	36.00
NEBRASKA PUBLIC POWER DI	5,721.80
PAPILLION SANITATION	87.41
SAM'S	53.96
SARAH ASCHENBRENNER	125.00
SCHINDLER ELEVATOR CORP	1,994.76
SHARI BARRIOS	150.00
THOMAS WOODS	975.00
WINDSTREAM	315.75

AQUATIC

FIRST TO THE FINISH	16.49
NEBRASKA PUBLIC POWER DI	84.68

EMS

ACTION FLAG CO	15.59
BLACK HILLS ENERGY	85.37

CITY TREASURER	147.36
EMS BILLING SERVICES INC	522.79
MATHESON TRI-GAS INC	209.01
METRO BILLING SERVICES	495.00
MULLENAX AUTO SUPPLY	392.31
NEBRASKA PUBLIC POWER DI	348.87
OFE OIL INC.	2,696.72
PAMIDA DISCOUNT CENTER	47.03
VIDACARE CORP	733.09
WINDSTREAM	101.37
WIREBUILT CO	50.00
ZOLL MEDICAL CORPORATION	220.00

WATER

AMERICAN NATIONAL BANK	18,012.05
BLACK HILLS ENERGY	57.07
CENTRAL TRANSPORTATION S	2,086.66
ECHO GROUP INC	1,900.00
GREAT PLAINS ONE CALL SE	35.67
MENARDS	118.80
MIDWEST FARMERS COOPERAT	574.16
MISSISSIPPI LIME COMPANY	3,120.00
NEBRASKA PUBLIC POWER DI	7,491.10
NEBRASKA RURAL WATER ASS	112.50
NEW WORLD INN	77.72
O'REILLY AUTOMOTIVE INC	25.76
OFE OIL INC.	709.72
PAYLESS	40.14
PLATTSMOUTH STATE BANK	32.70
READY MIX CONCRETE CO	1,554.70
RGS REPAIR INC	503.75
SCHNEIDER AGENCY	14,111.52
WINDSTREAM	151.40

SEWER

BLACK HILLS ENERGY	1,120.67
CRETEX	96.00
DEETER FOUNDRY INC	714.00
GREAT PLAINS ONE CALL SE	35.66
KERNS EXCAVATING COMPANY	5,781.75
MIDWEST LABORATORIES INC	731.42
MULLENAX AUTO SUPPLY	39.35
NEBRASKA PUBLIC POWER DI	1,851.68
NEBRASKA RURAL WATER	112.50
NEW WORLD INN	77.72
OLMSTED & PERRY ENGINEER	1,464.73
PAPILLION SANITATION	35.84
SCHNEIDER AGENCY	9,407.68
WINDSTREAM	66.35

20 CSO PROJECT (CLEAN WATER SRF)	
GRAHAM CONSTRUCTION	218,112.34
24 .05% SALES TAX STREET/SIDE MAINT	

GRAHAM CONSTRUCTION      102,099.27  
Total Claims 491,939.74  
Total Claims and Salaries 578,730.65

Council Member Kerns stated that he would be abstaining from any discussion or action on ITEM 7 as his company, Kerns Excavating has a claim in the amount of \$5,781.75 to be considered.

City Attorney, Roger Johnson stated that there are changes to the Contract Proposal for Timing Services provided by Precision Race Results: Fee is \$1,500.00; remove mileage clause; remove payment of lodging expense; and add the E-Verify addendum.

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

#### ITEM 8-UNFINISHED BUSINESS

##### ITEM 8 A

Council Member Bowman introduced a Resolution numbered and titled: Resolution No. 11-011: **A RESOLUTION TO REGULATE TRAFFIC AT THE INTERSECTIONS OF N. 8<sup>TH</sup> STREET AND AVENUE B IN THE CITY OF PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-011:

#### **RESOLUTION NO. 11-011**

**A RESOLUTION TO REGULATE TRAFFIC AT THE INTERSECTIONS OF N. 8<sup>TH</sup> STREET AND AVENUE B IN THE CITY OF PLATTSMOUTH, NEBRASKA.**

WHEREAS the Mayor and City Council have considered the public safety in regulating the traffic flow at the intersection of N. 8<sup>TH</sup> Street and Avenue B in the City of Plattsmouth, Nebraska; and

WHEREAS the Mayor and City Council are authorized by ordinance to regulate traffic flow by way of sign placement:

NOW THEREFORE, BE IT RESOLVED that the City of Plattsmouth, through its Mayor and City Council, modify the traffic flow at the intersection of N. 8<sup>TH</sup> Street and Avenue B by directing the placement of a stop sign on west bound Avenue B at the intersection with N. 8<sup>TH</sup> Street.

PASSED AND APPROVED this 18<sup>TH</sup> day of April 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney, Roger Johnson read Resolution No. 11-011 in to the record.

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

#### ITEM 9

7:10 p.m. CONVENE AS THE BOARD OF ADJUSTMENT AND EQUALIZATION

#### ITEM 9 A

Pursuant to publication, the Mayor opened the public hearing at 7:10 p.m. with regard to imposition of a special assessment on real estate at 415 South 5<sup>th</sup> Street legally described as PLATTSMOUTH—ORIG TOWN N ½ OF LOT 7 BLK 62 resulting from the clean up of said property by the City of Plattsburgh for the violation of the nuisance ordinances of the City of Plattsburgh Revised Municipal Ordinance 2002. Amber Gudgell, Evidence Technician for the Plattsburgh Police Department presented Exhibit A and reviewed the timeline for all events regarding the imposition of a special assessment and a summary of costs on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:13 p.m.

#### ITEM 9 B

Pursuant to publication, the Mayor opened the public hearing at 7:14 p.m. with regard to imposition of a special assessment on real estate at 415 South 5<sup>th</sup> Street legally described as PLATTSMOUTH—ORIG TOWN N ½ OF LOT 7 BLK 62 resulting from the clean up of said property by the City of Plattsburgh for the violation of the nuisance ordinances of the City of Plattsburgh Revised Municipal Ordinance 2002. Amber Gudgell, Evidence Technician for the Plattsburgh Police Department presented Exhibit B and reviewed the timeline for all events regarding the imposition of a special assessment and a summary of costs on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:16 p.m.

#### ITEM 9 C

Pursuant to publication, the Mayor opened the public hearing at 7:16 p.m. with regard to imposition of a special assessment on real estate at 412 South 16<sup>th</sup> Street legally described as PLATTSDUKES ADD s ½ LOTS 1 & 2 & ½ VAC ALLEY BLK 30 resulting from the clean up of said property by the City of Plattsburgh for the violation of the nuisance ordinances of the City of Plattsburgh Revised Municipal Ordinance 2002. Amber Gudgell, Evidence Technician for the Plattsburgh Police Department presented Exhibit C and reviewed the timeline for all events regarding the imposition of a special assessment and a summary of costs on the above listed real estate. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:18 p.m.

ITEM 9 D

Pursuant to publication, the Mayor opened the public hearing at 7:18 p.m. with regard to imposition of a special assessment on real estate at 524 South 6<sup>th</sup> Street legally described as PLATTSMOUTH-ORIG TOWN LOT 12 BLK 167 resulting from the clean up of said property by the City of Plattsmouth for the violation of the nuisance ordinances of the City of Plattsmouth Revised Municipal Ordinance 2002. Amber Gudgell, Evidence Technician for the Plattsmouth Police Department presented Exhibit D and reviewed the timeline for all events regarding the imposition of a special assessment and a summary of costs on the above listed real estate. Steve Grosshans, owner of the property being considered, spoke in opposition to the assessment stating that he was never notified there was a problem. No one else spoke in favor or opposition to the special assessment. The Mayor closed the public hearing at 7:25 p.m.

ITEM 10 - 7:25 p.m. RECONVENE AS THE PLATTSMOUTH CITY COUNCIL

ITEM 11-NEW BUSINESS

ITEM 11 A

Council Member Bowman introduced a Resolution numbered and titled: Resolution No. 11-012: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Riese to adopt a Resolution:

**RESOLUTION NO. 11-012**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 415 South 5<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$251.08; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 415 South 5<sup>th</sup> Street, Plattsmouth, Nebraska; PLATTSMOUTH-ORIG TOWN N ½ OF LOT 7 BLK 62 specially benefitted the same in the amount of \$251.08 and that said amount is hereby levied against said property which shall be due in a single payment not later than June 6, 2012, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before June 6, 2011, which is fifty days after the date of the public hearing and may be paid within that

time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of April 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney, Roger Johnson read Resolution No. 11-012 in to the record.

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

ITEM 11 B

Council Member Dugan introduced a Resolution numbered and titled: Resolution No. 11-013: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Derby to adopt a Resolution:

**RESOLUTION NO. 11-013**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 415 South 5<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$111.08; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 415 South 5<sup>th</sup> Street, Plattsmouth, Nebraska; PLATTSMOUTH-ORIG TOWN N ½ OF LOT 7 BLK 62 specially benefitted the same in the amount of \$111.08 and that said amount is hereby levied against said property which shall be due in a single payment not later than June 6, 2012, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before June 6, 2011, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of April 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney, Roger Johnson read Resolution No. 11-013 in to the record.

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

ITEM 11 C

Council Member Dugan introduced a Resolution numbered and titled: Resolution No. 11-014: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 412 SOUTH 16<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Riese to adopt a Resolution:

**RESOLUTION NO. 11-014**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 412 SOUTH 16<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 412 South 16<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$2,052.16; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 412 South 16<sup>th</sup> Street, Plattsmouth, Nebraska; PLATTS-DUKES ADD S ½ LOTS 1 & 2 & ½ VAC ALLEY BLK 30 specially benefitted the same in the amount of \$2,052.16 and that said amount is hereby levied against said property which

shall be due in a single payment not later than June 6, 2012, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before June 6, 2011, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of April 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney, Roger Johnson read Resolution No. 11-014 in to the record.

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

ITEM 11 D

Council Member Riese introduced a Resolution numbered and titled: Resolution No. 11-015: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 524 SOUTH 6<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Tesarek to adopt a Resolution:

**RESOLUTION NO. 11-015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 524 SOUTH 6<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 524 South 6<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$97.16; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that

the City's abatement of the nuisance at 524 South 6<sup>th</sup> Street, Plattsmouth, Nebraska; PLATTSMOUTH-ORIG TOWN LOT 12 BLK 167 specially benefitted the same in the amount of \$97.16 and that said amount is hereby levied against said property which shall be due in a single payment not later than June 6, 2012, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before June 6, 2011, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of April 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Council Member Kerns asked for clarification on the policy. Chief Rathman reviewed the policy and stated that all residences in violation are treated the same.

City Attorney, Roger Johnson read Resolution No. 11-015 in to the record.

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

ITEM 11 E

Motion by Kerns, seconded by Bowman to approve the construction engineering services associated with the Water Transmission Main Replacement Project BNSF R.O.W. to Water Plant with Steven Perry of Olmsted & Perry Consulting Engineers for a fixed fee of \$8,400.00 plus \$525.00 fixed costs. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Bowman, Kerns and Bowman. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 11 F

Motion by Bowman, seconded by Derby to accept the Cass County Visitor's Promotion Committee grant award in the amount of \$17,600.00 toward the purchase of the 4<sup>th</sup> Street Entertainment Plaza Stage project. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Bowman, Riese and Dugan. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 G

Mayor Lambert indicated the need for the council to go in to Executive Session to protect the public interest to the discuss legal issues related to potential litigation; between the City and First Baptist Church of Plattsmouth, Nebraska. 7:40 p.m. Motion by Riese, seconded by Kerns to convene to Executive Session to protect the public interest to the discuss legal issues related to potential litigation; between the City and First Baptist Church of Plattsmouth, Nebraska. ROLL CALL: Yes-Bowman, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Executive Session was to protect the public interest to discuss legal issues related to potential Litigation; between the City and First Baptist Church of Plattsmouth, Nebraska.

City Attorney, Roger Johnson stated that he would not take part in the Executive Session regarding the First Baptist Church due to a conflict of interest with representing both parties.

7:58 p.m. Motion by Derby, seconded by Riese to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12 STREET COMMITTEE

Mike Bowman, Chairman of the Street Committee stated that he and Gary Hellwig, Public Works Director assessed the water situation at North 8<sup>th</sup> and North 9<sup>th</sup> Street at Avenue F.

ITEM 15

8:04 p.m. Motion by Tesarek, seconded by Porter to adjourn. On a voice vote, MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk