

PLATTSMOUTH CITY COUNCIL
May 16, 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 May 16, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Mike Bowman, Terry D. 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 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

Terry D. Tilson, 1001 1st Avenue, Plattsmouth recognized the rescue personnel that literally saved his life the evening of April 5, 2011 when he had a 100% blockage in his heart. Mr. Tilson reviewed the situation and stated that he is the second person that the Plattsmouth EMS has saved in this situation. Mr. Tilson again thanked the EMS personnel.

ITEM 6-MAYORAL PROCLAMATIONS

There were no mayoral proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Kerns, seconded by Tilson to approve the consent agenda as listed:

- A Consider approval of May 2, 2011 City Council Meeting Minutes
- B Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 5/06/2011 not Net as before.

General Admin 12,871.22

Humane 1,112.80

Police 31,633.52

Street 12,214.53

Public Library 6,082.05

Parks 2,500.00

Oakhill Cemetery 1,409.28

Community Center 7,890.84
Senior Center 2,001.88
Pool 0
Sewer 4,180.10
Water 7,584.75
Rescue 3,161.54
TOTAL SALARIES 92,642.51

Various

CINTAS CORPORATION #749 23.25
FIDELITY SECURITY LIFE I 246.12
PLATTSMOUTH STATE BANK 1,000.00

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 277.38
BLACK HILLS ENERGY 532.54
BLANE CANADA LTD 475.00
D & D LASER INC 135.90
FIRST BANKCARD 50.33
JOHNSON LAW OFFICE 421.84
MICROFILM IMAGING SYSTEM 90.00
NATIONAL SAFETY COUNCIL 60.00
NEBRASKA PUBLIC POWER DI 223.74
OMAHA DOOR & WINDOW COMP 168.00
PAPILLION SANITATION 48.50
PAYLESS OFFICE PRODUCTS 129.88
PITNEY BOWES 80.48
SCHNEIDER AGENCY 100.00
STEVE KONFRST TRASH 7,227.92
THE COLUMBUS TELEGRAM 566.45
WINDSTREAM 272.10
WIREBUILT CO 50.00

HUMANE/CODE ENFORCEMENT

HEARTS UNITED 101.00
LAMBERT VET SUPPLY 80.99

POLICE

CASS COUNTY SHERIFF 3,509.00
FIRST BANKCARD 99.99
GALLS 61.96
GE CAPITAL 639.00
JACK'S UNIFORMS & EQUIPM 36.94
TILSON AUTOMOTIVE 157.49
TINCHER FORD-MERCURY INC 668.34
WARGA BROADCASTING LLC 300.00

STREET

ASPHALT & CONCRETE MATER 763.40
CINTAS CORPORATION #749 296.75
CONWAY OIL COMPANY 4,937.85
LINDER TIRE & AUTO INC 148.00
LONNIE ILES 100.00
MARK HYDRAULIC CO INC 975.75

MARTIN MARIETTA AGGREGAT	2,839.76
MEESKE ACE HARDWARE	7.99
MULLENAX AUTO SUPPLY	14.25
NEBRASKA PUBLIC POWER DI	6,614.98
PAPILLION SANITATION	117.66
PAYLESS OFFICE PRODUCTS	14.99
QUALITY SIGNS	345.00
WINDSTREAM	105.56
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	323.13
BLACK HILLS ENERGY	86.99
CHARTER BUSINESS	40.00
DOLLAR GENERAL	9.50
FIRST BANKCARD	1,021.64
KAREN MIER	59.50
KIRSTEN WOOD	112.25
PITNEY BOWES	35.95
SPECIALTY STORE SERVICES	146.63
THE COLUMBUS TELEGRAM	6.00
WINDSTREAM	121.70
PARK & RECREATION	
FASTENAL COMPANY	6.43
HIGGINS HARDWARE	158.60
LINDER TIRE & AUTO INC	249.00
LOVELAND LAWNS INC	259.80
MEESKE ACE HARDWARE	136.54
NEBRASKA PUBLIC POWER DI	135.35
PAPILLION SANITATION	207.73
THE COLUMBUS TELEGRAM	73.33
WINDSTREAM	50.31
CEMETERY	
BLACK HILLS ENERGY	37.49
MULLENAX AUTO SUPPLY	19.74
WINDSTREAM	74.08
FIRE DEPARTMENT	
BLACK HILLS ENERGY	20.93
DANKO EMERGENCY EQUIPMEN	82.45
HENRY MOTORS SERVICE CEN	117.00
HIGGINS HARDWARE	23.80
MULLENAX AUTO SUPPLY	32.40
NEBRASKA PUBLIC POWER DI	198.01
OFE OIL INC.	24.15
OMAHA COMPOUND COMPANY	51.85
NE STATE VOLUNTEER	700.00
WINDSTREAM	102.47
SENIOR CITIZEN CENTER	
FOUR STAR LAUNDRY	131.56
HIGGINS HARDWARE	140.00
JOHN'S APPLIANCE	729.98
METAL DOORS & HARDWARE C	290.00

NEBRASKA PUBLIC POWER DI	617.32
PAYLESS OFFICE PRODUCTS	190.90
SHORT STOP	151.31
STEUBE'S THRIFTWAY	244.90
THE THOMPSON COMPANY	5,280.84
WINDSTREAM	104.51
COMMUNITY CENTER	
ALLISON WELCH	125.00
ALYSSA L STANDER	61.63
AMANDA MISER	200.00
ARTFAC GRAPHICS	153.33
BEAVER LAKE AUXILIARY	40.00
CHARTER BUSINESS	85.53
CIT TECHNOLOGY	156.85
DEBBIE BAGGENSTOSS	150.00
DIANA L. POGREBA	100.00
DONNA HOLMES	100.00
FIRST WATCH INC	382.50
FITNESS PRO PLUS LLC	378.00
KAREN MOREHEAD	125.00
KELLEY SCANLAN	100.00
MARY HOLLY ALLEN	25.00
MEESKE ACE HARDWARE	18.55
MENARDS	29.89
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	150.00
NEBRASKA PUBLIC POWER DI	5,555.97
PAPILLION SANITATION	87.41
PAYLESS OFFICE PRODUCTS	220.89
RACHEL MCDONNELL	59.82
SAM'S	109.76
SARAH ASCHENBRENNER	125.00
SHARI BARRIOS	120.00
STEPHEN C. WARGA	18.00
THOMAS WOODS	975.00
WINDSTREAM	313.51
AQUATIC	
MENARDS	51.97
METAL DOORS & HARDWARE C	52.00
MULLENAX AUTO SUPPLY	29.93
NEBRASKA PUBLIC POWER DI	74.81
THE COLUMBUS TELEGRAM	200.00
ECONOMIC DEVELOPMENT	
THE COLUMBUS TELEGRAM	58.65
DEBT SERVICE	
PLATTSMOUTH STATE BANK	177,160.63
WATER & SEWER DEPARTMENT	6,113.22
EMS	
BLACK HILLS ENERGY	20.93
BOUND TREE MEDICAL LLC	598.60

EMS BILLING SERVICES INC	175.29
FOUR STAR LAUNDRY	27.60
LIFE-ASSIST INC	179.90
MATHESON TRI-GAS INC	207.40
METRO BILLING SERVICES	465.00
NEBRASKA PUBLIC POWER DI	198.02
OFE OIL INC.	36.07
WINDSTREAM	102.48
WIREBUILT CO	50.00
WATER	
BLACK HILLS ENERGY	42.08
DES MOINES STAMP MFG. CO	60.75
GREAT PLAINS ONE CALL SE	52.83
HD SUPPLY WATERWORKS LTD	480.14
MARK MOREHEAD CONSTRUCTI	6,375.00
MIDWEST FARMERS COOP	2,035.00
MISSISSIPPI LIME COMPANY	3,133.75
NEBRASKA PUBLIC POWER DI	6,937.80
O'REILLY AUTOMOTIVE INC	55.56
PAYLESS OFFICE PRODUCTS	26.71
SENSUS METERING SYSTEMS	1,452.00
THE COLUMBUS TELEGRAM	483.53
WATER DEPARTMENT-PETTY C	460.52
WINDSTREAM	150.86
SEWER	
CENTRAL UNITED LIFE INSU	265.44
AAA SEWER & DRAIN CLEANI	800.00
GREAT PLAINS ONE CALL SE	52.83
LONNIE ILES	100.00
LOVELAND LAWNS INC	114.45
MIDWEST LABORATORIES INC	253.60
NEBRASKA PUBLIC POWER DI	2,083.16
PAMIDA DISCOUNT CENTER	99.47
PAPILLION SANITATION	35.84
WINDSTREAM	65.95
CSO	
JENNIFER & ROBERT ROBY	1.00
Total Claims 271,162.77	
Total Claims and Salaries 363,805.28	

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1827: **AN ORDINANCE DIRECTING THE CONVEYANCE OF LOT TEN (10),**

BLOCK FIFTY-EIGHT (58), CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA, ALSO KNOWN AS 810 4TH AVENUE, PLATTSMOUTH, NEBRASKA, TO JASON K. BYROM; ESTABLISHING THE MANNER AND TERMS OF SUCH CONVEYANCE; PROVIDING FOR PUBLICATION OF NOTICE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE. Motion by Bowman, seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1827 be adopted on first reading by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Bowman. No-None. 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 Tilson. ROLL CALL: Yes-Kerns, Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 B

Council Member Bowman introduced a Resolution numbered and titled as follows: Resolution No. 11-017: A RESOLUTION OF THE COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO PROVIDE FOR NOTICE OF SALE AND CONVEYANCE OF REAL ESTATE: LOT TEN (10), BLOCK FIFTY-EIGHT (58), CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA, ALSO KNOWN AS 810 4TH AVENUE, PLATTSMOUTH, NEBRASKA.

Motion by Bowman, seconded by Dugan to adopt Resolution No. 11-017:

RESOLUTION NO. 11-017

A RESOLUTION OF THE COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO PROVIDE FOR NOTICE OF SALE AND CONVEYANCE OF REAL ESTATE: LOT TEN (10), BLOCK FIFTY-EIGHT (58), CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA, ALSO KNOWN AS 810 4TH AVENUE, PLATTSMOUTH, NEBRASKA.

WHEREAS, the City has proposed the sale of 810 4TH Ave., Plattsmouth, Nebraska; and

WHEREAS, Jason K. Byrom has proposed to purchase said real estate.

NOW, THEREFORE, BE IT RESOLVED, that notice is required to be given of the proposed sale and transfer of real estate as provided for in Ordinance No. 1827 (the "Ordinance").

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to give notice of the Ordinance and the conveyance as required by law.

Passed and approved this 16TH day of May 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

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

ITEM 8 C

City Administrator Erv Portis reported on a dispute with the Plattsmouth School District over its obligation to pay the sanitary sewer system and water system impact fees. Portis stated the letter he received from Dr. Hasty on behalf of the Plattsmouth School District was inaccurate. Portis specifically noted that it was not Mr. Johnson, the City Attorney, nor the City, who threatened litigation. Portis reviewed the documentation used to determine the impact fees and also the ordinances implementing the fees. Portis stated that the documentation specifically stated that it would be a "System Wide" policy and he found nothing in the records that would indicate that the council intended the policy to be anything except a "System Wide" policy, all inclusive.

ITEM 9-NEW BUSINESS

ITEM 9 A

Pursuant to publication, Mayor Lambert opened a public hearing at 7:16 p.m. with regard to a report of the Economic Development Citizen Advisory Review Committee on the functioning and progress of the Economic Development Program for Fiscal Year 2010/2011. Jackie Morehead, Chairperson of the Economic Development Citizens Advisory Review Committee reviewed the Economic Development functions and progress: thanked the council for appointing two new members to the committee; and stated that the expenses are consistent with the Economic Development Plan. No one else spoke. Mayor Lambert closed the public hearing at 7:17 p.m.

ITEM 9 B

Mayor Lambert postponed the public hearing with regard to an application submitted by Reinsch, Slattery, Bear and Minahan P.C., L.L.O. for a façade improvement grant of \$5,000.00 and a loan of \$22,609.00 from Community Development Block Grant 09-DTR101 for improvements to the façade at 545 Main Street, Plattsmouth, Nebraska to the June 6, 2011 regular Plattsmouth City Council meeting at 7:00 p.m. at City Hall, 136 North 5th Street, Plattsmouth, NE.

ITEM 9 C

Charles Jones, Main Street Executive Director reviewed the proposed Banner designs for Main Street. Jones stated that the funding for the purchase of the banners is budgeted plus the Main Street Association has secured a \$1,800.00 grant through Cass County Tourism. Jones also reviewed the placement of the banners on Main Street. Motion by Bowman, seconded by Kerns to accept the banner designs as presented and proceed with the bidding process. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Bowman and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Dugan, seconded by Tilson to authorize solicitation of bids for an arena style portable stage system 32 feet by 40 feet, adjustable in height from 36 inches to 56 inches for the Fourth Street Public Entertainment Plaza. After discussion, ROLL CALL: Yes-Bowman, Tilson, Reise, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

City Attorney Roger Johnson stated that Eudencia C. Naranjo's Will listed bequests to two city departments and the daughter is disputing the Will and has asked that it be set aside. Johnson recommended that the City direct him to enter his appearance as the City Attorney for the City of Plattsmouth. Motion by Tilson, seconded by Kerns to direct the City Attorney to enter his appearance as attorney for the City of Plattsmouth in the Estate of Eudencio C. Naranjo, deceased and to oppose the Petition to Set Aside the Informal Probate of Will, To Determine Intestacy and to Determine Heirs. ROLL CALL: Yes-Derby, Porter, Kerns, Bowman, Tilson, Riese, Dugan and Tesarek, No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 10 STREET COMMITTEE

Mike Bowman, Chairman of the Street Committee had nothing to report

ITEM 13

7:39 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