

PLATTSMOUTH CITY COUNCIL

July 5, 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 July 5, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: Mike Bowman. Also present: City Administrator Ervin Portis, City Inspector Kevin Larson, 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 Dugan, seconded by Tilson to approve the consent agenda as listed:

- A Consider approval of June 20, 2011 City Council Meeting Minutes
- B Consider approval of the appointment of the following proposed new member to the Plattsmouth Emergency Medical Services Department: Jocelyn L. Pedersen, Brandon Norris, Thomas Bryant, David Cox and Bobby Taylor
- C Consider recommendation for approval of a Special Designated License filed by the Knights of the Roundtable for August 20, 2011 for a Reception at 502 South 18<sup>th</sup> Street, Plattsmouth NE from 12:00 p.m. to 12:00 a.m.
- D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 6/20/2011 not Net as before

General Admin 15,446.22  
 Humane 1,112.80  
 Police 32,481.68  
 Street 11,161.41  
 Public Library 6,278.86  
 Parks 2,968.00  
 Oakhill Cemetery 1,716.41  
 Community Center 7,940.02  
 Senior Center 2,040.10  
 Pool 8,363.12  
 Sewer 4,745.60  
 Water 7,914.46  
 EMS 3,161.54  
 TOTAL SALARIES 105,330.22

VARIOUS

AMERICAN FAMILY LIFE	238.34
BLUE CROSS BLUE SHIELD	32,452.73
DELTA DENTAL PLAN	52.00
MUTUAL OF OMAHA	578.84
PLATTSMOUTH STATE BANK	942.26
THE UNION CENTRAL LIFE I	155.02
UNITED STATES LIFE INSUR	91.21

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI	156.80
CASS COUNTY TREASURER	5,872.75
CHARTER BUSINESS	40.00
DELTA DENTAL PLAN	260.00
FIRST BANKCARD	366.16
IKON OFFICE SOLUTION	38.47
JOHN BAXTER	50.00
PAYLESS OFFICE PRODUCTS	46.65
PEGGY WILSEY-mileage	51.84
UNITED STATES POST OFFIC	512.60
UNLIMITED VISION LLC	370.00

HUMANE/CODE ENFORCEMENT

ALAMAR UNIFORMS	99.98
BOMGAARS SUPPLY	47.87
HEARTS UNITED	605.00
NEBRASKA HUMANE SOCIETY	210.00

POLICE

CASS COUNTY COURT	17.00
CASS COUNTY SHERIFF	3,509.00
COMPUTERS TO GO	749.00
DELTA DENTAL PLAN	653.20
FIRST BANKCARD	56.83
GLOCK PROFESSIONAL	300.00
IT'S GOT TO GO	470.00
JACK'S UNIFORMS & EQUIPM	4,464.48
NATIONAL LAW ENFORCEMNT	99.05

O'REILLY AUTOMOTIVE INC	72.59
PAYLESS OFFICE PRODUCTS	111.79
PITNEY BOWES	58.98
PITNEY BOWES INC.	351.93
WARGA BROADCASTING LLC	300.00
STREET	
BLACK HILLS ENERGY	47.56
DELTA DENTAL PLAN	300.60
JOHN DEERE CREDIT	161.30
NEBRASKA PUBLIC POWER DI	111.89
OMAHA DOOR & WINDOW COMP	299.36
PAYLESS OFFICE PRODUCTS	35.99
PLATTSMOUTH READY MIX IN	390.39
TERRY LINDSEY	722.49
WHITE CAP CONSTRUCTION S	1,023.00
PUBLIC LIBRARY	
PUBLIC LIBRARY	
BAKER & TAYLOR BOOKS	417.83
BELLEVUE LIBRARY FOUNDAT	88.00
CASS COUNTY TREASURER	975.00
CENTER POINT LARGE PRINT	213.90
CHARTER BUSINESS	40.00
DELTA DENTAL PLAN	104.00
DEMCO	129.81
FIRST BANKCARD	1,962.11
HEARTLAND TECHNOLOGY SOL	9,853.80
HIGGINS HARDWARE	2.99
IKON OFFICE SOLUTION	534.78
IKON OFFICE SOLUTIONS	378.78
JOHN'S APPLIANCE	4,568.04
NEBRASKA PUBLIC POWER DI	758.83
PARK & RECREATION	
BLACK HILLS ENERGY	18.60
BOMGAARS SUPPLY	174.46
C SCOTT SERVICES	90.00
FASTENAL COMPANY	85.02
JOHN DEERE CREDIT	1,559.55
KERNS EXCAVATING COMPANY	350.00
LINDER TIRE & AUTO INC	5.00
NEBRASKA PUBLIC POWER DI	136.41
ODEYS INC	238.00
CEMETERY	
CONWAY OIL COMPANY	1,622.73
DELTA DENTAL PLAN	52.00
LINDER TIRE & AUTO INC	37.00
FIRE DEPARTMENT	
FORT DEARBORN LIFE INSUR	209.84
ISAIAH NIELSON	75.80
NEBRASKA PUBLIC POWER DI	159.33
OFE OIL INC.	742.36

SENIOR CITIZEN CENTER

BLACK HILLS ENERGY 32.78  
FOUR STAR LAUNDRY 131.56  
OFE OIL INC. 19.50

COMMUNITY CENTER

ADVANCED OFFICE AUTOMATI 34.61  
ALAN HIGLEY 1,700.00  
ALLISON WELCH 75.00  
AMANDA MISER 100.00  
AMERICAN RED CROSS HEART 30.00  
BLACK HILLS ENERGY 294.98  
BOMGAARS SUPPLY 23.26  
CAITLYN HANZIK 18.75  
CHARTER BUSINESS 94.40  
CIT TECHNOLOGY 156.85  
DAVE STEINKRUGER 25.00  
DEBBIE BAGGENSTOSS 125.00  
DELTA DENTAL PLAN 72.30  
DIANA L. POGREBA 75.00  
EGAN SUPPLY CO 426.41  
FASTENAL COMPANY 79.08  
FERGUSON ENTERPRISES 23.54  
FISERV 187.50  
FITNESS PRO PLUS LLC 90.00  
IKON OFFICE SOLUTION 818.50  
KAREN MOREHEAD 50.00  
KELLEY SCANLAN 125.00  
MENARDS 8.35  
MICHAEL ANZALONE 240.00  
MICHELLE MCKNIGHT 25.00  
NEBRASKA AIR FILTER INC 280.00  
SARAH ASCHENBRENNER 75.00  
SHARI BARRIOS 90.00

AQUATIC

AMERICAN RED CROSS HEART 480.00  
AQUA CHEM INC 1,000.60  
BLACK HILLS ENERGY 3,464.16  
BOMGAARS SUPPLY 10.97  
EGAN SUPPLY CO 61.56  
ELIFEGUARD INC 37.45  
FERGUSON ENTERPRISES 120.23  
LINCOLN JOURNAL STAR 65.00  
PAYLESS OFFICE PRODUCTS 230.25  
PEPSI COLA 742.35

ECONOMIC DEVELOPMENT

CASS COUNTY NEBRASKA ECO 120.00  
PLATTSMOUTH MAIN STREET 5,000.00

ECONOMIC DEV - DTR PHASE 2

ECONOMIC DEV - DTR PHASE 2

KEITH L FELTHOUSEN 11,417.00

DEBT SERVICE

WATER & SEWER DEPARTMENT 6,113.22

EMS

DELTA DENTAL PLAN 72.30  
LIFE-ASSIST INC 170.16  
MATHESON TRI-GAS INC 124.21  
NEBRASKA PUBLIC POWER DI 159.33  
OFE OIL INC. 1,206.94

WATER

BOMGAARS SUPPLY 1,509.21  
CASS COUNTY TREASURER 1,760.85  
D & D LASER INC 127.42  
DELTA DENTAL PLAN 133.20  
ENGINEERED SYSTEMS INC 3,490.00  
FASTENAL COMPANY 15.66  
HAWKINS INC 2,359.64  
HD SUPPLY WATERWORKS LTD 1,200.42  
JOHN'S APPLIANCE 381.00  
LAKELAND ENGINEERING EQU 151.40  
MENARDS 43.76  
MUNICIPAL SUPPLY INC 219.60  
NEBRASKA PUBLIC POWER DI 1,656.44  
PAYLESS OFFICE PRODUCTS 84.25  
SENSUS METERING SYSTEMS 152.25  
TRANSWOOD LOGISTICS INC 1,141.44  
USA BLUEBOOK 585.15  
UTILITY EQUIPMENT COMPAN 1,376.98

SEWER

BLUE CROSS BLUE SHIELD 2,425.76  
CENTRAL UNITED LIFE INSU 265.44  
MUTUAL OF OMAHA 18.96  
UNITED STATES LIFE INSUR 30.40  
ALAN AYLOR 35.58  
BOMGAARS SUPPLY 530.51  
CASS COUNTY TREASURER 1,173.90  
D & D LASER INC 127.43  
DELTA DENTAL PLAN 156.00  
FASTENAL COMPANY 49.00  
FIRST BANKCARD 851.45  
GRAINGER 468.00  
LYMAN RICHEY SAND & GRAV 743.62  
MENARDS 53.74  
OFE OIL INC. 5,175.39  
ROGER JOHNSON 239.98  
USA BLUEBOOK 456.27  
UTILITIES SERVICE GROUP 18,675.00

DRUG FORFEITURE

NEXTEL PARTNERS 99.98

24 .05% SALES TAX STREET/SIDE MAINT

MAINSTREET DESIGNS INC 3,858.00

Total Claims 171,075.12  
Total Claims and Salaries 276,405.34

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

#### ITEM 8-UNFINISHED BUSINESS

##### ITEM 8 A

Council Member Kerns introduced an ordinance numbered and titled as follows: Ordinance No. 1828: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ANNEXING CERTAIN LANDS ADJACENT TO THE CITY OF PLATTSMOUTH, NEBRASKA AND DEFINING THE BOUNDARIES THEREOF. Motion by Kerns, seconded by Porter to approve the second reading of Ordinance No. 1828 by title only. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns and Tilson. No-None. Absent-Bowman. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

#### ITEM 9 – NEW BUSINESS

##### ITEM 9 A

City Administrator Erv Portis presented a slide show regarding the Missouri River Flooding and spoke on the conditions at the Water Treatment Plant, the Well Houses, the Sewer Treatment Plant and the East Main Street Devastation due to the flooding.

##### ITEM 9 B

Council Member Riese introduced Resolution No. 11-019: Official declaration of intent under Internal Revenue Code Regulation to provide for the incurring of indebtedness which may include reimbursement of expenditures made by the City in connection with the construction of flood control improvements including, but not limited to, dikes, levees, road construction, reconstruction and any other flood-related expenditures for which the City may lawfully issue tax-exempt bonds. The preliminary estimate of debt contemplated to be issued for such projects is currently \$10,000,000.00.

Motion by Riese, seconded by Tilson to adopt Resolution No. 11-019:

#### RESOLUTION NO. 11-019

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

Section 1. That the Mayor and City Council of Plattsmouth, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Code

Regulation Section 1.150-2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City in connection with the construction of flood control improvements including, but not limited to, dikes, levees, road construction, reconstruction and any other flood-related expenditures for which the City may lawfully issue tax-exempt bonds. The preliminary estimate of debt contemplated to be issued for such projects is currently \$10,000,000.00.

Section 2. That up to the expenditure of the full amounts of such project described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such improvements. It is the intent of the Mayor and Council and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all such times until the bonds or such other tax-exempt obligations contemplated herein are issued.

DATED this 5th day of July, 2011.

ATTEST:  
/s/ Sandra J. Meyer, City Clerk

By : /s/ R. Paul Lambert, Mayor

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

#### ITEM 9 C

Pam Caba-President of the Plattsburgh Chamber of Commerce presented information on the Chamber activities and the use of the City monies that is designated for the Chamber.

#### ITEM 9 D

Motion by Tilson, seconded by Riese to lay over considering making the paved alley directly to the east of The Barracks from Main Street north to Avenue A one way southbound and direct the City Attorney to prepare a Resolution for council consideration. ROLL CALL: Yes-Tesarek, Derby, Kerns, Tilson, Riese and Dugan. No-Porter. Absent-Bowman. Abstain-None. MOTION CARRIED.

#### ITEM 9 E

Motion by Porter, seconded by Kerns to approve a conditional grant agreement with D-Squared,

LLC and Vireo Resources, LLC, for a grant of land to D-Squared, LLC, to wit: the North 547.25 Feet of Sublot 1 of Lot 1, Fourmile Industrial Park, City of Plattsmouth, Cass County, Nebraska, for the purpose of constructing a building to be leased to Vireo Resources, LLC, for the expansion of its operations and the creation of additional jobs. ROLL CALL: Yes-Derby, Porter, Kerns and Riese. No-Tilson, Dugan and Tesarek. Absent-Bowman. Abstain-None. MOTION FAILED.

#### ITEM 9 F

NO ACTION WAS TAKEN on the consideration of Ordinance No. 1829: AN ORDINANCE DIRECTING THE CONVEYANCE OF REAL ESTATE TO D-SQUARED, LLC, TO WIT: THE NORTH 547.25 FEET OF SUBLOT 1 OF LOT 1, FOURMILE INDUSTRIAL SITE, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA; ESTABLISHING THE MANNER AND TERMS OF SUCH CONVEYANCE; PROVIDING FOR PUBLICATION OF NOTICE OF SALE AND OF REMONSTRANCE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

#### ITEM 9 G

NO ACTION WS TAKEN on the consideration of Resolution No. 11-020: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO PROVIDE FOR NOTICE OF SALE AND CONVEYANCE OF REAL ESTATE, TO WIT: THE NORTH 547.25 FEET OF SUBLOT 1 OF LOT 1, FOUR MILE INDUSTRIAL PARK, A SUBDIVISION OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA.

#### ITEM 9 H

Motion by Riese, seconded by Dugan to approve Graham Construction Application and Certificate for Pay App No. 12, Main Street Corridor Improvement Project in the amount of \$508,338.39 (Schedule A (CSO) \$250,448.63 and Schedule B (Streetscape) \$257,889.76), authorize payment and direct the Mayor to execute Pay App No. 12. ROLL CALL: Yes-Porter, Kerns, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Bowman. Abstain-None. MOTION CARRIED.

#### ITEM 9 I

Motion by Dugan, seconded by Derby to authorize engaging outside counsel due to a conflict of interest for Roger K. Johnson, City Attorney for the City of Plattsmouth (City) and attorney for Sanitary and Improvement District No. 5, Cass County, Nebraska (SID 5), in the preparation of an interlocal cooperation agreement to provide for the City's potential purchase of potable water from SID 5, via its water distribution system, on an emergency basis if it becomes necessary as a result of flood damage to the City's water plant. ROLL CALL: Yes-Kerns, Tilson, Riese, Dugan, Tesarek and Derby. No-Porter. Absent-Bowman. Abstain-None. MOTION CARRIED.



ITEM 9 J

NO ACTION WAS TAKEN on the consideration of a waiver of conflict of interest for JEO Consulting Group, Inc. and HDR, Inc. to act as engineers for the City of Plattsmouth, Sanitary and Improvement District No. 5, Cass County, Nebraska, Beaver Lake Homeowners Association and Cass County Rural Water District No. 1 regarding the engineering of cross connections for potable water supply to the City in the event that the flood results in a shut down of the City's water plant, and authorize the Mayor to sign a consent and waiver

ITEM 10 STREET COMMITTEE

Nothing to report.

ITEM 13

8:21 p.m. Motion by Tesarek, seconded by Tilson to adjourn. ROLL CALL: Yes-Tilson, Dugan, Tesarek and Porter. No-Riese, Derby and Kerns. Absent-Bowman. Abstain-None. MOTION FAILED.

8:24 p.m. Motion by Dugan, seconded by Tesarek to adjourn. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby and Tilson. No-Porter and Kerns. Absent-Bowman. Abstain-None. MOTION CARRIED.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk