

PLATTSMOUTH CITY COUNCIL
September 6, 2011

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:23 o'clock p.m. on September 6, 2011 at City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Mike Bowman, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: Terry Kerns. Also present: City Administrator Ervin 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 4-CITIZEN DELEGATION

Carol Gray, Director of the Plattsmouth Senior Center introduced Joe Shafer, Administrator for the Golden Living Center. Mr. Shafer stated that the Plattsmouth Senior Center was awarded a \$1,00.00 grant and presented Carol Gray, Director of the Plattsmouth Senior Center with a \$1,000.00 check.

ITEM 5-MAYORAL PROCLAMATIONS

There were no Mayoral proclamations.

ITEM 6-CONSENT AGENDA:

Motion by Tilson, seconded by Riese to approve Items A through J as listed on the consent agenda and set aside Item K for separate consideration:

- A Consider approval of August 15, 2011 City Council Meeting Minutes
- B Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for October 15, 2011 for a Fund Raiser at St. John's School, 502 South 18th Street, Plattsmouth NE from 12:00 p.m. to 12:00 midnight
- C Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for November 5, 2011 for a Reception at St. John's School, 502 South 18th Street, Plattsmouth NE from 12:00 p.m. to 12:00 midnight
- D Consider recommendation for approval of a Special Designated License filed by

Knights of Columbus for November 12, 2011 for a Reception at St. John's School, 502 South 18th Street, Plattsmouth NE from 12:00 p.m. to 12:00 midnight

- E Consider recommendation for approval of a Special Designated License filed by Knights of Columbus for December 3, 2011 for a Christmas Party at St. John's School, 502 South 18th Street, Plattsmouth NE from 12:00 p.m. to 12:00 midnight
- F Consider recommendation for approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Beer Garden being set up at 5th & Main Street on October 7, 2011 from 3:00 p.m. to 11:00 p.m.
- G Consider approval of the appointment of the following proposed new member to the Plattsmouth Volunteer Fire Department: Zach Lewis
- H Consider approval of the Plattsmouth Volunteer Fire Department Roster
- I Consider the request of the Plattsmouth Volunteer Fire Department to close North 5th Street from the East/West Alley ½ block north of Main Street to Avenue A on Thursday, October 13, 2011 from 1:00 p.m. to 10:00 p.m. for the Annual Spaghetti Feed
- J Consider approval of an amendment to the Street Closing/Event Permit Application submitted by Plattsmouth Chamber of Commerce for the closing of South 5th Street between Main Street and 1st Avenue on September 8, 2011 at 2:00 p.m. to September 11, 2011 at 12:00 p.m. for the Beer Tent at the Harvest Festival with an exception of no drilling into the street or sidewalk which was approved by Council on June 20, 2011 with the amendment being that the Street Closing will start on Wednesday, September 7, 2011 at 8:00 a.m. due to the use of 32 55 gallon drums filled with water to hold the tent versus staking into the cement/asphalt

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

ITEM 6 K

Motion by Tilson, seconded by Riese to approve the claims as submitted with removal of the claim to Fitness Pro Plus LLC in the amount of \$2,724.23.

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 8/15/2011 not Net as before
General Admin 12,871.22
Humane 1,112.80
Police 27,892.95
Street 10,645.22
Public Library 6,255.10
Parks 2,980.00

Oakhill Cemetery 1,409.28
 Community Center 7,670.39
 Senior Center 1,977.93
 Pool 10,879.75
 Sewer 5,761.06
 Water 9,338.42
 EMS 3,161.54
 TOTAL SALARIES 101,955.66

Various

AMERICAN FAMILY LIFE 238.34
 BLUE CROSS BLUE SHIELD 34,638.08
 DELTA DENTAL PLAN 52.00
 FRATERNAL ORDER OF POLIC 180.00
 MUTUAL OF OMAHA 578.84
 PLATTSMOUTH STATE BANK 942.26
 Shell 7261.73
 THE UNION CENTRAL LIFE I 155.02
 UNITED STATES LIFE INSUR 91.21

GENERAL ADMINISTRATION

ADVANCED OFFICE AUTOMATI 113.44
 AMERICAN BOILER COMPANY 28,989.00
 DELTA DENTAL PLAN 260.00
 GREAT PLAINS GOVT FINANC 150.00
 NE DOL/ OFFICE SAFETY & 18.50
 NEBRASKA PUBLIC POWER DI 580.13
 PAPILLION SANITATION 48.50
 PAYFLEX 45.46
 PAYLESS OFFICE PRODUCTS 486.93
 PITNEY BOWES INC. 145.00
 PLATTSMOUTH COMMUNITY SC 2,172.50
 SAM'S 35.00
 UNIVERSITY NEBRASKA LINC 330.00
 VERIZON WIRELESS 87.33
 WELLS FARGO FINANCIAL LE 177.49
 WINDSTREAM 258.44

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 2.98
 COMPUTERS TO GO 66.99
 HEARTS UNITED 455.00
 PLATTSMOUTH ANIMAL HOSPI 15.00
 QUALITY SIGNS 35.00
 VERIZON WIRELESS 32.91

POLICE

BARNES DISTRIBUTION 196.08
 BOMGAARS SUPPLY 29.24
 CASS COUNTY SHERIFF 3,509.00
 COMPUTERS TO GO 159.99
 DELTA DENTAL PLAN 632.90
 DOLLAR GENERAL 4.28

FIRST BANKCARD	285.19
HART'S AUTO SUPPLY	292.00
HIGGINS HARDWARE	2.50
KAHLER CONSTRUCTION	4,030.00
MATTHEW J. GLUP	250.00
MCMULLEN FORD INC	57.30
PAYFLEX	18.18
PITNEY BOWES	250.00
QUALITY SIGNS	275.00
TILSON AUTOMOTIVE	101.57
TINCHER CHRYSLER-PLYMOUT	79.68
UNLIMITED VISION LLC	105.75
US MARSHALS SERVICE	2,109.05
VERIZON WIRELESS	71.95
WARGA BROADCASTING LLC	300.00
WINDSTREAM	336.55
STREET	
BLACK HILLS ENERGY	48.61
BOMGAARS SUPPLY	60.01
CONWAY OIL COMPANY	1,278.96
DELTA DENTAL PLAN	300.60
NPPD	46.18
NEBRASKA PUBLIC POWER DI	159.88
PAPILLION SANITATION	117.66
PAYFLEX	9.09
QUALITY SIGNS	95.00
SAFETY-KLEEN CORPORATION	381.45
VERIZON WIRELESS	135.12
WINDSTREAM	102.74
PUBLIC LIBRARY	
AMBER E SHAWHAN	389.23
BAKER & TAYLOR BOOKS	1,283.78
BARBARA MILLER	62.80
CENTER POINT LARGE PRINT	213.90
CHERYL L GRIMSHAW	226.71
DELTA DENTAL PLAN	104.00
FIRST BANKCARD	1,192.80
HEARTLAND TECHNOLOGY SOL	5,486.07
IKON OFFICE SOLUTIONS	378.78
JERRY L ABELS	500.00
NEBRASKA PUBLIC POWER DI	1,120.59
NLA/NEMA	240.00
O'KEEFE ELEVATOR CO INC	337.04
POLARIS LIBRARY SYSTEMS	616.74
TODD TROST	103.50
WINDSTREAM	50.13
PARK & RECREATION	
BLACK HILLS ENERGY	18.60
BOMGAARS SUPPLY	81.05
JOHN DEERE CREDIT	1,914.86

KATHY SINNEMA	10.00
NEBRASKA PUBLIC POWER DI	179.64
PAPILLION SANITATION	95.35
VERIZON WIRELESS	33.78
WINDSTREAM	39.46
CEMETERY	
DELTA DENTAL PLAN	52.00
NEBRASKA PUBLIC POWER DI	35.36
PANKONIN'S INC	224.31
PAYFLEX	9.09
FIRE DEPARTMENT	
NEBRASKA PUBLIC POWER DI	370.44
SAM'S	35.00
WINDSTREAM	102.08
SENIOR CITIZEN CENTER	
BLACK HILLS ENERGY	33.88
PAYLESS OFFICE PRODUCTS	71.98
COMMUNITY CENTER	
ADVANCED OFFICE AUTOMATI	41.47
ALLISON WELCH	75.00
BLACK HILLS ENERGY	304.89
BOMGAARS SUPPLY	46.53
CHARTER BUSINESS	89.76
CIT TECHNOLOGY	156.85
DELTA DENTAL PLAN	72.30
DIANA L. POGREBA	225.00
EGAN SUPPLY CO	117.00
FISERV	187.50
FITNESS PRO PLUS LLC	2,724.23
FOUR STAR LAUNDRY	39.24
KAREN MOREHEAD	50.00
KELLEY SCANLAN	75.00
MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	50.00
PAPILLION SANITATION	95.28
PAYFLEX	9.09
SAM'S	159.83
SARAH ASCHENBRENNER	100.00
SHARI BARRIOS	60.00
VERIZON WIRELESS	68.34
VOSS LIGHTING	133.48
AQUATIC	
AQUA CHEM INC	1,687.05
BLACK HILLS ENERGY	211.28
BOMGAARS SUPPLY	9.96
ELIFEGUARD INC	403.55
FASTENAL COMPANY	22.81
JAMIE ZIMMERER	131.25
JOHN'S APPLIANCE	180.00
MENARDS	69.79

PAYLESS OFFICE PRODUCTS	69.72
SAM'S	125.38
WINDSTREAM	37.85
DEBT SERVICE	
WATER & SEWER DEPARTMENT	6,113.22
EMS	
CLIA LABORATORY PROGRAM	150.00
DELTA DENTAL PLAN	72.30
KATHRYN SHARP	400.00
LIFE-ASSIST INC	789.52
LINDER TIRE & AUTO INC	30.00
MATHESON TRI-GAS INC	177.57
METRO BILLING SERVICES	945.00
NEBRASKA PUBLIC POWER DI	370.44
VERIZON WIRELESS	105.81
WINDSTREAM	102.08
ZOLL MEDICAL CORPORATION	1,893.55
WATER	
BLACK HILLS ENERGY	18.60
BOMGAARS SUPPLY	301.35
DELTA DENTAL PLAN	133.20
DITCH WITCH OF OMAHA	56.25
HDR ENGINEERING INC	32,171.64
HENRY COLLISION CENTER	173.08
MARK HYDRAULIC CO INC	284.89
MENARDS	208.66
MISSISSIPPI LIME COMPANY	5,145.00
NE PUBLIC HEALTH ENVIRON	115.00
NEBRASKA PUBLIC POWER DI	55.34
PAYFLEX	9.09
PAYLESS OFFICE PRODUCTS	19.98
TMC	1,087.28
UTILITIES SECTION	690.00
UTILITY EQUIPMENT COMPAN	514.15
VERIZON WIRELESS	101.34
WATER DEPARTMENT-PETTY C	476.00
SEWER	
AMERICAN NATIONAL BANK	139,176.12
BLUE CROSS BLUE SHIELD	2,425.76
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
UNITED STATES LIFE INSUR	30.40
AAA SEWER & DRAIN CLEANI	393.22
BOMGAARS SUPPLY	212.00
DELTA DENTAL PLAN	156.00
DPC INDUSTRIES INC	90.00
NE DOL/ OFFICE SAFETY &	18.50
NEBRASKA PUBLIC POWER DI	885.33
NMC EXCHANGE LLC	914.70
UTILITIES SECTION	690.00

VERIZON WIRELESS	33.78
DRUG FORFEITURE	
NEXTEL PARTNERS	99.98
CSO PROJECT (CLEAN WATER SRF)	
HDR ENGINEERING INC	20,384.57
.05% SALES TAX STREET/SIDE MAINT	
HDR ENGINEERING INC	35,779.40
HOLIDAY BRIGHT LIGHTS	5,027.40
BURK TRUST-EMS	
PHONES PLUS	1,899.90
Total Claims	379,368.77
Total Claims and Salaries	481,324.43

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

ITEM 7-UNFINISHED BUSINESS

ITEM 7 A

Council Member Bowman 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 AS FOLLOWS: A TRACT OF LAND, BEING A PART OF THE WESTSIDE COMMERCIAL SUBDIVISION, LOCATED IN THE SW ¼ OF THE NW ¼ OF SECTION 13-T12N-R13E OF THE 6TH P.M., CASS COUNTY, NEBRASKA, MORE FULLY DESCRIBED AS FOLLOWS: REFERRING TO THE W¼ CORNER OF SAID SECTION 13, (ALSO THE SW CORNER OF WESTSIDE COMMERCIAL SUBDIVISION); THENCE N00°10'00"E, (ASSUMED BEARING), ALONG THE WEST LINE OF THE SW ¼ OF THE NW ¼, A DISTANCE OF 1294.95'; THENCE N89°46'16"E, A DISTANCE OF 597.93' TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 75 (ALSO THE NE CORNER OF LOT 1-WESTSIDE COMMERCIAL SUBDIVISION); THENCE S00°11'52"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 330.65' TO THE SE CORNER OF LOT 1-WESTSIDE COMMERCIAL SUBDIVISION AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING S00°11'52"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 118.05' TO A POINT OF CURVE; THENCE FOLLOWING THE ARC OF A 22,833.32' RADIUS CURVE TO THE RIGHT, A DISTANCE OF 796.02', (THE LONG CHORD BEARS S01°11'47"W, A DISTANCE OF 795.98'), TO A POINT ON THE EXISTING CORPORATE LIMIT LINE; THENCE S89°43'20"W, LEAVING SAID RIGHT OF WAY LINE, A DISTANCE OF 296.22' TO A POINT ON A CURVE; THENCE FOLLOWING THE ARC OF A 22,833.32' RADIUS CURVE TO THE LEFT, (NON-TANGENT TO THE LAST DESCRIBED COURSE), A DISTANCE OF 796.21', (THE LONG CHORD BEARS N00°59'56"E, A DISTANCE OF 796.17'), TO A POINT OF TANGENT; THENCE N00°11'52"E, A DISTANCE OF 120.44' TO A POINT ON THE SOUTH LINE OF LOT 1-WESTSIDE COMMERCIAL SUBDIVISION; THENCE S89°46'15"E, ALONG SAID SOUTH LINE, A DISTANCE OF 298.95' TO THE POINT OF**

BEGINNING AND CONTAINING 6.26 ACRES, MORE OR LESS. Motion by Bowman, seconded by Dugan to adopt Ordinance No. 1828 as amended on third and final reading by title only. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1828 in to the record by title only.

ITEM 8-NEW BUSINESS

ITEM 8 A

Council Member Dugan introduced a resolution numbered and titled: Resolution No. 11-024: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 620 SOUTH 6TH STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Riese to adopt Resolution No. 11-024: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 620 SOUTH 6TH STREET, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-024 in to the record by title only. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 B

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-025: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1023 NORTH 9TH STREET LOT 27, PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Porter to adopt Resolution No. 11-025: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1023 NORTH 9TH STREET LOT 27, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-025 in to the record by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-026: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-026: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH,**

NEBRASKA. City Attorney Roger Johnson read Resolution No. 11-026 in to the record by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 D

Council Member Riese introduced a resolution numbered and titled: Resolution No. 11-027: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1904 LINCOLN AVENUE LOT 11, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Dugan to adopt Resolution No. 11-027: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-027 in to the record by title only. ROLL CALL: Yes-Porter, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 E

Council Member Dugan introduced a resolution numbered and titled: Resolution No. 11-028: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5TH STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tesarek to adopt Resolution No. 11-028: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5TH STREET, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-028 in to the record by title only. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 F

Council Member Riese introduced a resolution numbered and titled: Resolution No. 11-029: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 514 4TH AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Dugan to adopt Resolution No. 11-029: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 514 4TH AVENUE, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-029 in to the record by title only. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Riese, Dugan and Tesarek. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 G

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-030: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 318 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-030: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 318 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-030 in to the record by title only. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Bowman, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 H

Council Member Dugan introduced a resolution numbeedr and titled: Resolution No. 11-031: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1023 NORTH 9TH STREET LOT 30, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Riese to adopt Resolution No. 11-031: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1023 NORTH 9TH STREET LOT 30, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-031 in to the record by title only. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 I

Council Member Riese introduced a resolution numbered and titled: Resolution No. 11-032: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1023 NORTH 9TH STREET LOT 46, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Dugan to adopt Resolution No. 11-032: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1023 NORTH 9TH STREET LOT 46, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-032 in to the record by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 J

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-033: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH,**

NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH, NEBRASKA.

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-033: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1602 AVENUE B, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-033 in to the record by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 K

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-034: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 618 CHICAGO AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Bowman, seconded by Riese to adopt Resolution No. 11-034: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 618 CHICAGO AVENUE, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-034 in to the record by title only. ROLL CALL: Yes-Porter, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 L

Council Member Riese introduced a resolution numbered and titled: Resolution No. 11-035: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 2218 ANDIES STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Tesarek to adopt Resolution No. 11-035: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 2218 ANDIES STREET, PLATTSMOUTH, NEBRASKA.** City Attorney Roger Johnson read Resolution No. 11-035 in to the record by title only. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 M

Pursuant to publication, the Mayor opened a public hearing at 7:43 p.m. with regard to hearing and receiving public comments regarding the proposed budget for the City of Plattsmouth for fiscal year October 1, 2011 through September 30, 2012. City Administrator Erv Portis reviewed the proposed budget and spoke in favor of the City of Plattsmouth fiscal year October 1, 2011 through September 30, 2012 budget. No one spoke in opposition to the City of Plattsmouth fiscal year

October 1, 2011 through September 30, 2012 budget. The Mayor closed the public hearing at 7:52 p.m.

ITEM 8 N

Pursuant to publication, the Mayor opened a public hearing at 7:52 p.m. to hear and receive public comments regarding Final Property Tax Request for the City of Plattsmouth for fiscal year October 1, 2011 through September 30, 2012. No one spoke in favor or opposition to the Final Property Tax Request for the City of Plattsmouth for fiscal year October 1, 2011 through September 30, 2012. The Mayor closed the public hearing at 7:53. p.m.

ITEM 8 O

Council Member Riese introduced a resolution numbered and titled: Resolution No. 11-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

Motion by Riese, seconded by Derby to adopt Resolution No. 11-036:

RESOLUTION NO. 11-036

BE IT RESOLVED A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ADOPT THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012 AND TO SET THE SAME USING THE BASE LIMITATION PERCENTAGE INCREASE OF 2.5% AND ALSO USING THE ADDITIONAL 1% INCREASE.

BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA:

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the budget for the fiscal year of October 1, 2011 through September 30, 2012.

NOW, THEREFORE, BE IT RESOLVED that the budget is adopted for fiscal year of October 1, 2011 through September 30, 2012 with a dollar requirement totaling \$1,308,049.58.

BE IT FURTHER RESOLVED that the budget limit for 2011-2012 is set using the base limitation percentage increase of 2.5% and also using the additional 1% increase approved by this resolution.

BE IT FURTHER RESOLVED that the City Clerk is directed on behalf of the City of Plattsmouth to certify the budget and dollar requirements to the County Board and County Clerk of Cass County, Nebraska, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts, on or before September 20, 2011.

PASSED AND APPROVED this 6th day of September 2011.

By: /s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Following Council discussion, City Attorney Roger Johnson read Resolution No. 11-036 in to the record. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 P

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-037: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO SET THE TAX REQUEST FOR THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012.

Motion by Bowman, seconded by Riese to adoption Resolution No. 11-037:

RESOLUTION NO. 11-037

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO SET THE TAX REQUEST FOR THE BUDGET FOR FISCAL YEAR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012.

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

WHEREAS *Neb. Rev. Stat. § 77-1601.02* provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the City Council of the City of Plattsmouth passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS a special public hearing was held as required by law to hear and consider comments concerning the final tax request for the fiscal year October 1, 2011 through September 30, 2012; and

WHEREAS it is in the best interests of the City of Plattsmouth that the amount of the property tax request for the current fiscal year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED that the following tax levy is adopted for the fiscal year October 1, 2011 through September 30, 2012 with a dollar requirement totaling \$1,308,049.58 based on a combined tax rate of \$0.494181 per \$100.00 of taxable valuation as follows: (1) a rate of \$0.050579 per \$100.00 of valuation for the bond levy in the total amount of

\$133,877.50 and (2) a rate of \$0.443602 per \$100.00 of valuation for general operating expenses in the total amount of \$1,174,172.08 (consisting of \$0.320180 per \$100.00 of valuation for general operating expenses in the total amount of \$847,485.70 and \$0.123422 per \$100.00 of valuation for other debt service in the total amount of \$326,686.38).

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of Plattsmouth adopt a property tax request different than the amount of the tax request for the prior year.

BE IT FURTHER RESOLVED that the City Clerk is directed on behalf of the City of Plattsmouth to certify the tax request and dollar requirements to the County Board and County Clerk of Cass County, Nebraska, and is further directed to file or cause the same to be filed with the State Auditor of Public Accounts, on or before September 20, 2011.

PASSED AND APPROVED this 6TH day of September 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 11-037 into the record. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Bowman and Riese. No-Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 Q

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-038: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE PLATTSMOUTH AIRPORT AUTHORITY TO BUDGET FOR THE AIRPORT GENERAL FUND \$22,087.79 AND FOR THE AIRPORT BOND FUND \$88,162.50, WITH LEVIES OF 0.008345 AND 0.033308 RESPECTIVELY.

Motion by Bowman, seconded by Porter to adopt Resolution No. 11-038:

RESOLUTION NO. 11-038

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE THE PLATTSMOUTH AIRPORT AUTHORITY TO BUDGET FOR THE AIRPORT GENERAL FUND \$22,087.79 AND FOR THE AIRPORT BOND FUND \$88,162.50, WITH LEVIES OF 0.008345 AND 0.033308 RESPECTIVELY.

WHEREAS the Plattsmouth Airport Authority submitted its proposed budget to the Mayor and City Council on or before August 1, 2011.

WHEREAS the Plattsmouth Airport Authority has requested authorization to budget for its general fund \$22,087.79 and for its bond fund \$88,162.50, with levies of 0.008345 and 0.033308

respectively.

WHEREAS the Authority has Bond payments in the amount of \$59,782.50 which is included in its request for authorization which is allowed by law and is outside the lid and levy limits and interest-free loan payments to the Nebraska Department of Aeronautics in the amount of \$28,380.00 which is allowed by law and is outside the lid and levy limits..

NOW, THEREFORE, BE IT RESOLVED that the Plattsmouth Airport Authority is authorized to budget for its general fund \$22,087.79 and for its bond fund \$88,162.50, with levies of 0.008345 and 0.033308 respectively.

PASSED AND APPROVED this 6TH day of September 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 11-038 in to the record. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 R

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1831: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL FOR FISCAL YEAR BEGINNING OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012 ; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.** Motion by Bowman, seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1831 be adopted on first reading by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Riese and Dugan. No-Tilson. Absent-Kerns. 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 Riese. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Bowman and Riese. No-Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 S

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1832: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH FEES FOR CITY SERVICES; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Riese that the statutory rule requiring reading an ordinance on three different days be suspended and that

Ordinance No. 1832 be adopted on first reading by title only. ROLL CALL: Yes-Porter, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Kerns. 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 Tesarek. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 T

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1833: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS FOR NON-UNION CITY EMPLOYEES AND APPOINTED OFFICIALS OCTOBER 1, 2011; TO REPEAL ORDINANCE NO. 1815 AND ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Derby that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1833 be adopted on first reading by title only. ROLL CALL: Yes-Bowman, Riese, Dugan, Tesarek, Derby and Porter. No-Tilson. Absent-Kerns. 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 Dugan. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 U

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1834: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO ESTABLISH WAGES, SALARIES AND BENEFITS EFFECTIVE OCTOBER 1, 2011 FOR UNION LAW ENFORCEMENT PERSONNEL OF THE CITY OF PLATTSMOUTH PURSUANT TO THE EXTENSION AGREEMENT BETWEEN THE CITY AND PLATTSMOUTH POLICE OFFICERS' ASSOCIATION FRATERNAL ORDER OF POLICE, LODGE #34 APPROVED MAY 2, 2011 BY ORDINANCE NO. 1826; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Bowman, seconded by Porter that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1834 be adopted on first reading by title only. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-Tilson. Absent-Kerns. 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 Riese. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Riese and Dugan. No-Tilson. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 V

Council Member Bowman introduced an ordinance numbered and titled as follows: Ordinance No. 1830: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF A COMBINED WATER AND SEWER REVENUE BOND, 2011 SERIES, OF THE CITY**

OF PLATTSMOUTH, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION EIGHT HUNDRED FORTY-NINE THOUSAND EIGHT HUNDRED TEN DOLLARS (\$1,849,810) IN THE FORM OF A PROMISSORY NOTE ISSUED TO EVIDENCE INDEBTEDNESS TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; APPROVING THE FORM OF SAID BOND (ISSUED AS A SINGLE PROMISSORY NOTE) AND RELATED CONTRACT FOR LOAN AND AMENDMENT NUMBER ONE THERETO; PLEDGING AND HYPOTHECATING THE REVENUES AND EARNINGS OF THE WATERWORKS PLANT AND DISTRIBUTION SYSTEM AND THE SANITARY SEWER PLANT AND SYSTEM OWNED OR TO BE OWNED BY THE CITY FOR THE PAYMENT OF SAID BOND; PROVIDING FOR THE ISSUANCE AND SALE OF SAID BOND; AUTHORIZING THE DELIVERY OF SAID BOND AND RELATED CONTRACT FOR LOAN AND AMENDMENT NUMBER ONE THERETO TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; DETERMINING THAT INTEREST ON SAID BOND SHALL NOT BE EXCLUDABLE FROM GROSS INCOME FOR PURPOSES OF FEDERAL INCOME TAXATION; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SAID BOND; DETERMINING THIS ORDINANCE TO BE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS OF THE CITY; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM. Motion by Bowman, seconded by Porter that the statutory rule requiring reading an ordinance on three different days be suspended and that Ordinance No. 1830 be adopted on first reading by title only. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. 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 Riese. ROLL CALL: Yes-Porter, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 W

Council Member Dugan introduced a resolution numbered and titled: Resolution No. 11-039: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE PURPOSE OF THE CITY'S FINANCIAL PARTICIPATION IN IMPROVEMENTS TO U.S. HIGHWAY 75 (HWY 75) CONSISTING OF GRADING, CONCRETE PAVEMENT/SURFACING, CULVERTS, BRIDGES, GUARDRAIL, LIGHTING AND TRAFFIC SIGNALS BEGINNING A R.P. 72+72 EXTENDING NORTH TO THE PLATTE RIVER, AND FOR THE PURPOSE OF ACCEPTING THE DUTIES SET FORTH IN THE AGREEMENT, PROJECT NO. NH-75-2(173).

Motion by Dugan, seconded by Riese to adopt Resolution No. 11-039:

RESOLUTION NO. 11-039

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF

PLATTSMOUTH, NEBRASKA APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE PURPOSE OF THE CITY'S FINANCIAL PARTICIPATION IN IMPROVEMENTS TO U.S. HIGHWAY 75 (HWY 75) CONSISTING OF GRADING, CONCRETE PAVEMENT/SURFACING, CULVERTS, BRIDGES, GUARDRAIL, LIGHTING AND TRAFFIC SIGNALS BEGINNING A R.P. 72+72 EXTENDING NORTH TO THE PLATTE RIVER, AND FOR THE PURPOSE OF ACCEPTING THE DUTIES SET FORTH IN THE AGREEMENT, PROJECT NO. NH-75-2(173).

WHEREAS, NDOR is proposing to make improvements to Hwy75 from R.P. 72+72 extending north to the Platte River which consist of grading, concrete pavement/surfacing, culverts, bridges, guardrail, lighting and traffic signals ;

WHEREAS, the City has certain financial obligations based upon the current city limits abutting a portion of Hwy 75;

WHEREAS, the City will accept certain other obligations set forth in the Agreement as a condition of NDOR making said improvements;

WHEREAS, the Mayor and City Council find that the improvement are necessary for the safety and welfare of the motoring community; and

WHEREAS, the Mayor and City Council find that the improvements are vital to the future economic growth and development of the City as well as the region beyond, and that such improvements to Hwy 75 will greatly benefit the City of Plattsmouth in its business development and transportation needs.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska, that the Agreement with NDOR for Project No. NH-75-2(173) is approved and the Mayor is hereby authorized to execute said Agreement.

PASSED AND APPROVED this 6TH day of September 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 11-039 in to the record by title only. ROLL CALL: Yes-Bowman, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 X

Council Member Bowman introduced a resolution numbered and titled: Resolution No. 11-040: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE A

PROFESSIONAL SERVICES CONSULTANT TASK ORDER BETWEEN THE CITY OF PLATTSMOUTH AS A LOCAL PUBLIC AGENCY (LPA), FELSBURG, HOLT & ULLEVIG (CONSULTANT) AND THE STATE OF NEBRASKA, DEPARTMENT OF ROADS (NDOR), FOR NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES, FOR STREET IMPROVEMENTS ON 4TH AVENUE, FROM 16TH STREET TO HILLCREST, FEDERAL-AID PROJECT NO. URB-6404(1), AND TO AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS RELATED TO THE PROFESSIONAL SERVICES PROVIDED FOR HEREIN.

Motion by Bowman, seconded by Porter to adopt Resolution No. 11-040:

RESOLUTION NO. 11-040

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONSULTANT TASK ORDER BETWEEN THE CITY OF PLATTSMOUTH AS A LOCAL PUBLIC AGENCY (LPA), FELSBURG, HOLT & ULLEVIG (CONSULTANT) AND THE STATE OF NEBRASKA, DEPARTMENT OF ROADS (NDOR), FOR NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) SERVICES, FOR STREET IMPROVEMENTS ON 4TH AVENUE, FROM 16TH STREET TO HILLCREST, FEDERAL-AID PROJECT NO. URB-6404(1), AND TO AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER NECESSARY DOCUMENTS RELATED TO THE PROFESSIONAL SERVICES PROVIDED FOR HEREIN.

WHEREAS, NDOR and Consultant have entered into an agreement identified as the July 2009 Master Agreement for on-call NEPA Services for federal-aid transportation projects;

WHEREAS, LPA is eligible to select consultants from a pool of on-call consultants to complete National Environmental Policy Act (NEPA) services pursuant to the July 2009 Master Agreement;

WHEREAS, LPA has selected Consultant from the pool of on-call consultants to complete National Environmental Policy Act (NEPA) services for street improvements on 4TH Avenue, from 16TH Street to Hillcrest, Federal-aid Project No. URB-6404(1);

WHEREAS, solely for convenience, consistency and in an attempt to obtain federal funding for the consultant services, LPA and Consultant wish to enter into a Task Order to specify the duties and obligations of the parties for the services described therein; and

WHEREAS, Consultant and LPA intend that the services provided by Consultant comply with all applicable federal-aid transportation related program requirements, so that LPA's project will be fully eligible for federal reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Plattsmouth, Nebraska, that the Task Order for Federal-aid Project No. URB-6404(1) is approved and the Mayor is authorized to execute said Task Order.

PASSED AND APPROVED this 6TH day of September 2011.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 11-040 in to the record by title only. ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Riese, Dugan and Tesarek. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 Y

Motion by Riese, seconded by Tesarek to approve the selection of HDR, Inc, with Olmsted and Perry Consulting Engineers, Inc. as a subconsultant, based on the review of the statement of qualifications submitted for the purposes of (1) conducting a Flood Control Study, (2) assessing the impact of the flooding on the City of Plattsburgh water distribution system and the wastewater treatment system, (3) identifying options and alternatives for emergency repairs and permanent repairs, (4) evaluating options and alternatives to mitigate the risk during future flood events, and (5) providing services for the implementation of repairs and mitigation, including final design, bidding, construction phase services, as contemplated in the City of Plattsburgh Flood Control Study Request for Qualifications, and authorize the City Administrator and Public Works Director to negotiate one or more contracts for the above services. Council Member Tilson stated that his constituents voiced concerns that this company gets far too many city jobs, could we put this out for bids. Portis stated that RFQ's were submitted to five vendors and HDR was the only vendor to submit a quote. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter and Bowman. No-Tilson, Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 Z

Motion by Tilson, seconded by Porter to authorize the Fire Department to submit a 2011 Assistance to Firefighters Grant Application in the amount of \$289,305 with the 5% match requirement funded by Fire Department Special Equipment funds for the purchase of mobile and portable radios and other communications equipment. Riese stated that the grant is a great opportunity but what is the condition of the equipment that is being replaced? Portis and Tilson both stated that the update is a Federal Mandate and this new equipment would put us in compliance. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Bowman and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 AA

Motion by Riese, seconded by Tesarek to approve the Graham Construction Application and Certificate for Pay App No. 14, Main Street Corridor Improvement Project in the amount of \$479,183.91 (Schedule A (CSO) \$211,778.11 and Schedule B (Streetscape) \$267,405.80), authorize payment and direct the Mayor to execute Pay App No. 14. Dugan made reference to the location of the removal of dirt behind the car wash. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter,

Bowman, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 BB

Motion by Tilson, seconded by Dugan to approve the request of the Main Street Association to use the installed bricks surrounding the new Main Street Turnaround for an organization fundraiser- each engraved brick is \$75.00 and will consist of text only (up to three lines of 12 characters each) being sandblasted onsite with no modification to the area with monies generated to be used for the betterment of the historic district as determined by the Main Street Association Board of Directors. Riese questioned where the bricks are-Charles Jones Main Street Director stated that they are around the flag pole at the east end of Main Street. Dugan made reference to the safety issue of the bricks being in the middle of the street and people wanting to view them. ROLL CALL: Yes-Tesarek, Derby, Porter, Bowman, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 8 CC

Mayor Lambert indicated the need for the council to go in to Closed Session to protect the public interest with regard to authorizing the City Attorney to file suit to reclaim \$21,296.16 Community Development Block Grant funds Housing Rehabilitation Program funds advanced and expended for improvements made at 2212 Andies Street, Plattsmouth . 8:43 p.m. Motion by Dugan, seconded by Porter to convene in Closed Session to protect the public interest with regard to authorizing the City Attorney to file suit to reclaim \$21,296.16 Community Development Block Grant funds Housing Rehabilitation Program funds advanced and expended for improvements made at 2212 Andies Street, Plattsmouth . ROLL CALL: Yes-Derby, Porter, Bowman, Tilson, Riese, Dugan and Tesarek. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Mayor Lambert again stated that the Closed Session was to protect the public interest with regard to authorizing the City Attorney to file suit to reclaim \$21,296.16 Community Development Block Grant funds Housing Rehabilitation Program funds advanced and expended for improvements made at 2212 Andies Street, Plattsmouth .

8:50 p.m. Motion by Tesarek, seconded by Tilson to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 8 DD

Motion by Derby, seconded by Tesarek to authorize the City Attorney to send a letter to reclaim \$21,296.16 Community Development Block Grant funds Housing Rehabilitation Program funds advanced and expended for improvements made at 2212 Andies Street, Plattsmouth giving 10 days to the homeowners to sign the Promissory Note and Deed of Trust that they were contractually obligated to sign as part of receiving the CDBG funds for home improvements or the City Attorney will file suit against the homeowners. ROLL CALL: Yes-Porter, Bowman, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9-STREETS AND ALLEYS

Nothing to report.

ITEM 23

8:59 p.m.. Motion by Tesarek, seconded by Tilson to adjourn. MOTION CARRIED on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk