

PLATTSMOUTH CITY COUNCIL
May 7, 2012

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 7, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Art Tesarek and Doug Derby. Council Members Absent: none. Also present: City Administrator Ervin Portis, City Treasurer Peggy Wilsey, City Attorney Roger Johnson and City Inspector Kevin Larson.

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.

Mayor Bowman and City Administrator Portis recognized Plattsmouth Planning Commission Chairman Marcus Nichols for receiving the Nebraska Planning and Zoning Association's "Appointed Official's Award" and for his 35 years as a member of the Plattsmouth Planning Commission.

ITEM 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

Mayor Bowman proclaimed Mr. Steve Love as an honorary citizen of Plattsmouth and proclaimed May 19, 2012 as "Mr. Steve Love Day" for his contributions to the Plattsmouth Rhino Run and his commitment to worldwide motorcycle safety.

ITEM 7-CONSENT AGENDA:

Motion by Tilson, seconded by Brookhouser to approve an amended consent agenda:

- A Consider approval of April 16, 2012 City Council Meeting Minutes
- B Consider approval of the request of Roger Johnson, City Attorney to be excused from the June 4, 2012 regularly scheduled Plattsmouth City Council Meeting
- C Consider approval of the appointment of the following proposed new member to the Plattsmouth Volunteer Fire Department: Joseph Lambert

- D Consider approval of the appointment of the following proposed new member to the Plattsmouth Volunteer Fire Department: Robert (Bobby) Taylor
- E Consider approval of the Plattsmouth Volunteer Fire Department Roster
- F Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Reception at 308 S. 18th Street, Plattsmouth NE 68048 on June 23, 2012 from 12:00 p.m. to 1 a.m.
- G Consider recommendation of approval of a Special Designated License filed by Luis E. Salazar d/b/a LaFiesta for an event on Main Street Plattsmouth NE on May 19, 2012 from 11 a.m. to 10 p.m.
- H Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 4/28/2012 not Net as before

General Admin 13,933.51
 Humane 1,146.40
 EMS 5,033.89
 Police 32,685.98
 Street 10,821.04
 Public Library 6,288.59
 Parks 790.00
 Oakhill Cemetery 1,349.60
 Senior Center 1,769.42
 Community Center 7,770.90
 Pool
 Water 6,152.70
 Sewer 6,016.67
 CBD 570.00
 TOTAL SALARIES 94,328.70

Various

BLUE CROSS BLUE SHIELD	34,703.46
DELTA DENTAL PLAN	53.55
FRATERNAL ORDER OF POLIC	180.00
STATE TREASURY OF NE	772.12
GENERAL ADMINISTRATION	
ADVANCED OFFICE AUTOMATI	210.61
BONNIE SEYFER	435.00
CHARTER BUSINESS	40.00
COMPUTER CABLE CONNECTIO	1,392.00

DELTA DENTAL PLAN	288.65
DOLLAR GENERAL	21.60
DUGAN BUSINESS FORMS	176.06
FIRST BANKCARD	606.91
GREAT PLAINS GOVT FINANC	150.00
JOHN BAXTER	50.00
KATHRYN SHARP	125.00
NEBRASKA PLANNING & ZONI	85.00
NEBRASKA PUBLIC POWER DI	251.69
PAPILLION SANITATION	68.89
PAYFLEX	40.02
PAYLESS OFFICE PRODUCTS	21.36
PITNEY BOWES INC.	14.84
PLATTSMOUTH STATE BANK	200.00
RDG GEOSCIENCE & ENGINEE	1,750.00
RDG PLANNING & DESIGN	862.50
VERIZON WIRELESS	87.62
WELLS FARGO FINANCIAL LE	177.49
WINDSTREAM	258.04

HUMANE

BARNES DISTRIBUTION	52.32
BOMGAARS SUPPLY	18.13
HEARTS UNITED	630.00
LAMBERT VET SUPPLY	81.36
NEBRASKA PUBLIC POWER DI	73.61
PLATTSMOUTH ANIMAL HOSPI	37.00
VCA 80 DODGE ANIMAL HOSP	5.00

POLICE

BELLEVUE POLICE DEPARTME	50.00
CASS COUNTY SHERIFF	3,509.00
CONSOLIDATED MANAGEMENT	78.25
DELTA DENTAL PLAN	672.65
FIRST BANKCARD	239.90
GE CAPITAL	639.00
JACK'S UNIFORMS & EQUIPM	47.20
KAHLER CONSTRUCTION	4,505.00
METRO CHIEFS ASSOCIATION	25.00
MJN INC	900.00
NEBRASKA LAW ENFORCEMENT	165.00
PAYFLEX	26.68
PITNEY BOWES	76.49
TILSON AUTOMOTIVE	1,423.22
VERIZON WIRELESS	46.20

WARGA BROADCASTING LLC	300.00
STREET	
ASPHALT & CONCRETE MATER	660.00
BARNES DISTRIBUTION	184.38
BLACK HILLS ENERGY	100.90
BOMGAARS SUPPLY	73.40
DELTA DENTAL PLAN	309.55
EGAN SUPPLY CO	237.07
NEBRASKA PUBLIC POWER DI	7,210.53
PAPILLION SANITATION	117.66
PAYFLEX	6.66
PLATTSMOUTH READY MIX IN	1,141.79
QUALITY SIGNS	65.00
ROSE EQUIPMENT INC	111.97
VERIZON WIRELESS	136.24
LIBRARY	
BAKER & TAYLOR BOOKS	832.85
CENTER POINT LARGE PRINT	213.90
CHARTER BUSINESS	16.00
DELTA DENTAL PLAN	107.10
DOLLAR GENERAL	15.00
FIRST BANKCARD	575.55
GALE GROUP INC	54.50
IKON OFFICE SOLUTIONS	378.78
MT LIBRARY SERVICES	130.05
NEBRASKA LIBRARY COMMISS	359.00
NEBRASKA PUBLIC POWER DI	511.68
O'KEEFE ELEVATOR CO INC	200.00
OMAHA WORLD HERALD	221.52
PAYLESS OFFICE PRODUCTS	31.75
RICOH	36.61
USI EDUCATION AND GOVERN	8.80
WINDSTREAM	49.82
PARK & REC	
BAUM HYDRAULICS CORPORAT	15.48
BLACK HILLS ENERGY	43.35
BOMGAARS SUPPLY	133.41
EGAN SUPPLY CO	505.14
JOHN DEERE CREDIT	2,289.89
LINDER TIRE & AUTO INC	70.00
MARTIN MARIETTA AGGREGAT	1,012.86
MEESKE ACE HARDWARE	42.61
MENARDS	703.36

MIDWEST MINOR MEDICAL	253.00
NEBRASKA PUBLIC POWER DI	180.68
PAPILLION SANITATION	97.12
REAMS	17.74
VERIZON WIRELESS	34.06
CEMETERY	
DELTA DENTAL PLAN	53.55
MEESKE ACE HARDWARE	20.14
NEBRASKA PUBLIC POWER DI	30.13
PAYFLEX	6.66
FIRE	
COMPUTER CABLE CONNECTIO	696.00
FORT DEARBORN LIFE INSUR	196.08
NEBRASKA PUBLIC POWER DI	211.12
SENIOR CITIZEN CTR	
BLACK HILLS ENERGY	53.50
FOUR STAR LAUNDRY	153.08
OFE OIL INC.	148.75
PAYLESS OFFICE PRODUCTS	34.06
COMMUNITY CENTER	
ADVANCED OFFICE AUTOMATI	68.95
ALLISON WELCH	300.00
AMERICAN RED CROSS HEART	175.00
AQUA LOGIC INC	251.83
BLACK HILLS ENERGY	481.47
CHARTER BUSINESS	89.05
CINDI BOSWELL	100.00
CIT TECHNOLOGY	233.73
DAVE STEINKRUGER	50.00
DEBBIE BAGGENSTOSS	350.00
DEBRA S FLAHERTY	802.00
DELTA DENTAL PLAN	74.45
DIANA L. POGREBA	75.00
DXP	235.89
EGAN SUPPLY CO	539.10
FERGUSON ENTERPRISES	325.40
FIRST WATCH INC	420.00
JOHN'S APPLIANCE	109.00
KAREN MOREHEAD	500.00
KELLEY STEELE	225.00
LAUREN GEORGE	150.00
MARY HOLLY ALLEN	25.00
MECHANICAL SALES INC	1,125.79

MICHAEL ANZALONE	240.00
MICHELLE MCKNIGHT	250.00
MIDWEST MINOR MEDICAL	35.00
NOVA FITNESS EQUIPMENT	445.55
PAMIDA DISCOUNT CENTER	35.97
PAPILLION SANITATION	95.28
PAYFLEX	6.66
PLATTSMOUTH CHAMBER OF C	40.00
SARAH ASCHENBRENNER	337.50
SHARI BARRIOS	150.00
THOMAS WOODS	975.00
VERIZON WIRELESS	68.86
AQUATIC	
AQUA CHEM INC	82.30
BLACK HILLS ENERGY	20.79
FASTENAL COMPANY	48.81
NEBRASKA PUBLIC POWER DI	128.13
DEBT SERVICE	
PLATTSMOUTH STATE BANK	77,373.75
WATER & SEWER DEPARTMENT	6,113.22
EMS	
AMBER GUDGELL	125.00
BOUND TREE MEDICAL LLC	3,395.51
COMPUTER CABLE CONNECTIO	696.00
DELTA DENTAL PLAN	74.45
JONATHAN HARDY	225.00
LINDER TIRE & AUTO INC	75.00
METRO BILLING SERVICES	646.00
METRO COMMUNITY COLLEGE	783.00
MULLENAX AUTO SUPPLY	23.96
NEBRASKA PUBLIC POWER DI	211.11
WATER	
CASS COUNTY BANK	18,012.65
BOMGAARS SUPPLY	201.18
DELTA DENTAL PLAN	235.10
DUGAN BUSINESS FORMS	486.74
FASTENAL COMPANY	43.62
HACH COMPANY	426.95
HAWKINS INC	322.50
HD SUPPLY WATERWORKS LTD	459.87
HDR ENGINEERING INC	14,466.97
KERNS EXCAVATING COMPANY	880.00
KNIGHT TRUCKING LLC	668.82

MID-STATES SUPPLY COMPAN	4.92
NEBRASKA PUBLIC POWER DI	5,709.86
NEBRASKA RURAL WATER ASS	187.50
PAYFLEX	6.66
PAYLESS OFFICE PRODUCTS	8.79
UNITED SEED INC	140.00
UTILITY EQUIPMENT COMPAN	890.99
VERIZON WIRELESS	102.18
WATER DEPARTMENT-PETTY C	397.65
WENTZ HOLDING LLC	750.00
WOODHOUSE FORD SOUTH INC	1,287.33

SEWER

BLUE CROSS BLUE SHIELD	2,425.75
CENTRAL UNITED LIFE INSU	265.44
BOMGAARS SUPPLY	269.42
DELTA DENTAL PLAN	160.65
DPC INDUSTRIES INC	45.00
DUGAN BUSINESS FORMS	486.74
HDR ENGINEERING INC	5,708.19
IMPACT MANUFACTURING	97.88
JOHN DEERE CREDIT	339.95CR
MARTIN MARIETTA AGGREGAT	1,714.08
NDEQ - FISCAL SERVICES	150.00
NEBRASKA PUBLIC POWER DI	930.22
NEBRASKA RURAL WATER ASS	187.50
PAPILLION SANITATION	37.19
PAYFLEX	6.66
TREKK DESIGN GROUP LLC	1,500.00
UNITED SEED INC	140.00
UTILITY EQUIPMENT COMPAN	40.83
VERIZON WIRELESS	34.06
WENNINGHOFF SEEDING INC	6,840.00

DRUG FORFEITURE

NEXTEL PARTNERS	99.98
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22 CSO PROJECT PHASE II

HDR ENGINEERING INC	27,331.73
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24 .05% SALES TAX STREET/SIDE MAINT

A & M GREEN POWER	7,949.69
BOMGAARS SUPPLY	11.64
DELTA DENTAL PLAN	20.90
IMPACT MANUFACTURING	16.26
MENARDS	262.00

32 WESTSIDE

JORDAN SURVEYING	800.00
PLATTSMOUTH STATE BANK	2,285,040.00
Total Claims	2,565,053.90
Total Claims and Salaries	2,659,382.60

Council Member Kerns stated that he would be abstaining from any discussion or action on Item 7-Consent Agenda as his company has submitted a claim in the amount of \$880.00 for approval. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Riese, seconded by Dugan to approve Change Order No. 1 (Final) in the amount of (+) \$3,180.00 with V&V Construction dba Vincentini Plumbing for the 12" Water Main Replacement Water Plant to BNSF ROW Project for a final unit price contract amount of 124,704.13 and authorize the Mayor to execute the Change Order. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Porter, seconded by Tilson to approve the bid award and contract to Kersten Construction Inc. for the Westside Commercial Subdivision Sewage Pumping Station Project at the Lump Sum contract award of \$155,056.25 and authorize the Mayor to execute the construction contract. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Dugan, seconded by Derby to approve Change Order No. 1 in the amount of (+) \$125,514.30 with General Excavating for the Bestmann Drive water and sewer extensions associated with the NDOR Highway 75 Project NH-75-2-(155) Plattsmouth South of the Platte River Utility Relocation Project for an adjusted unit price contract amount of \$172,264.94, and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson. No-None. Absent-none. Abstain-None. MOTION CARRIED.

ITEM 8 D

Motion by Dugan, seconded by Riese, to approve the bid award and contract in the amount of \$23,051.00 to Andy Anderson, Plattsmouth for construction of footings and concrete block work for the downtown public restroom and storage facility and authorize the Mayor to execute the contract. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Motion by Porter, seconded by Riese, to approve design engineering services, preparation of bid documents, advertising and bidding, Task Order No. Six (6), Missouri River Boat Ramp and Area Repairs at a contract price of \$20,000.00 and authorize the Mayor to execute the Task Order. ROLL CALL; Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 F

Motion by Riese, seconded by Dugan, to approve RESOLUTION NO. 12-011; A RESOLUTION OF THE MAYOR AND CITY COUNCIL TO CLOSE FOURTH STREET BETWEEN MAIN STREET AND THE EAST/WEST ALLEY SOUTH OF MAIN STREET UNTIL OCTOBER 8, 2012, WITH ADMINISTRATIVE AUTHORITY TO REOPEN THE STREET AS IS DEEMED NECESSARY. ROLL CALL: Yes-Derby, Porter, Brookhouser, Tilson, Riese, Dugan, Tesarek. No-Kerns. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Johnson read Resolution No. 12-011.

ITEM 8 G

Motion by Brookhouser, seconded by Porter, to approve RESOLUTION NO. 12-012: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF PLATTSMOUTH, NEBRASKA PROVIDING, TO THE EXTENT POSSIBLE, THAT ALL PLATTSMOUTH PUBLIC PARKS WILL BE SMOKE-FREE. ROLL CALL: Yes-Porter, Kerns, Brookhouser. No-Tilson, Riese, Dugan, Tesarek, Derby. Absent-None. Abstain-None. MOTION FAILED.

ITEM 8 H

Motion by Riese, seconded by Dugan, to approve RESOLUTION NO. 12-015: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE 39-1359. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Johnson read Resolution No. 12-015.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Porter, seconded by Kerns to award a contract for construction of CSO Phase 2 to L.G. Roloff Construction Co., Inc. at a contract price of \$1,407,260.71 and authorize the Mayor to execute the Construction Contract. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Motion by Kerns, seconded by Tilson to approve Task Order No. 5, Sewer Separation Project Phase 2 Construction Phase Services with HDR Inc., at a contract price of \$155, 300.00 and authorize the Mayor to execute the contract. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Riese, seconded by Tilson to approve of Pay Application No. 1 submitted by V&V Construction dba Vincentini Plumbing for the 12" Water Main Replacement Water Plant to BNSF ROW Project in the amount of \$122,233.72 and authorize the Mayor to execute Pay Application No.1. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Porter, seconded by Brookhouser, to approve an amended Pay Application No. 2 (Final Retainage) submitted by V&V Construction dba Vincentini Plumbing for the 12" Water Main Replacement Water Plant to BNSF ROW Project in the amount of \$12,470.41 and authorize the Mayor to execute the Pay Application No. 2 (Final Retainage). ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Porter, seconded by Dugan, to approve of the Keeler Properties Memorandum of Understanding and authorize the Mayor to execute the Memorandum of Understanding regarding the development of a multi-family housing project with the use of tax increment financing and a grant from Community Development Block Grant Housing Reuse Funds. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Riese, Dugan. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Riese, seconded by Brookhouser, to approve an Addendum to the Loan/Grant Agreement Main Street Façade Improvement Program with Reinsch, Slattery, Bear & Minahan, P.C., L.L.O. and authorize the Mayor to execute the Addendum. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Motion by Kerns, seconded by Tilson to approve a Street (Parking Lot) Closing or Event Permit Application submitted by DC's Waterhole/Jennifer Jensen to temporarily close the City Parking

Lot located between Main Street and 1st Avenue and South 4th and South 5th Streets for a Cancer Blackjack Run on Saturday, June 9 2012 from 11:00 a.m. to 6:00 p.m. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 H

Motion by Riese, seconded by Tesarek to approve RESOLUTION NO. 12-013: A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO LIFT SPECIAL ASSESSMENTS ON CERTAIN LOTS IN SWEDE'S INDUSTRIAL SITE, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Johnson read Resolution No. 12-013.

ITEM 9 I

Motion by Dugan, seconded by Derby to approve RESOLUTION NO. 12-014: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO LIFT SPECIAL ASSESSMENTS ON CERTAIN LOTS AND ON INTERSECTIONS WITHIN PARKVIEW EAST SUBDIVISION AND WITHIN MEADOW HIEGHTS SUBDIVISION, CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns. NO-None. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Johnson read Resolution No. 12-014.

ITEM 9 J

Mayor Bowman indicated the need for the council to go in to closed session to protect the public interest to discuss threatened litigation with Castaway Pointe, LLC concerning the relocation of the floodway line per Ordinance No. 1819. 8:20 p.m. Motion by Dugan, seconded by Riese to enter into a closed session for the protection of the public interest to discuss threatened litigation with Castaway Pointe, LLC concerning the relocation of the floodway line per Ordinance No. 1819. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the closed session was to protect the public interest with regard to the discussion of threatened litigation with Castaway Pointe, LLC concerning the relocation of the floodway line per Ordinance No. 1819.

Motion by Riese, seconded by Dugan to come out of closed session and return to regular session at 8:37 p.m. On a voice vote, MOTION CARRIED

ITEM 12

8:43 p.m. Motion by Porter, seconded by Tesarek to adjourn. On a voice vote, MOTION CARRIED.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk