

PLATTSMOUTH CITY COUNCIL

July 16, 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 July 16, 2012 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Terry Kerns, John R. Porter, 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 Clerk Sandra J. Meyer, City Attorney Roger Johnson and City Treasurer Peggy Wilsey.

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

- A Mayor Bowman Proclaimed August 4, 2012 Forget-Me-Not Day in the City of Plattsmouth

ITEM 7-CONSENT AGENDA:

Motion by Riese, seconded by Brookhouser to approve the Consent Agenda as presented.

- A Consider approval of July 2, 2012 Plattsmouth City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Mayden Layne Enterprises d/b/a DC's Waterhole for a Beer Garden being held in the City Parking Lot between 4th and 5th Street off of 1st Avenue on August 12, 2012 from 10:00 a.m. to 10:00 p.m.
- C Consider recommendation of approval of Special Designated License filed by Louis Salazar dba LaFiesta for a Sampling/Tasting being held at the Plattsmouth Entertainment Plaza, South 4th Street from Main Street ½ block south to the Stage on August 17, 2012 from 5:00 p.m. to 9:00 p.m.
- D Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 6/15/2012 not Net as before

General Admin 17,532.26

Humane 1,146.40

EMS 4,857.88

Police 33,932.98

Street 10,838.80

Public Library 6,476.82

Parks 2,691.34

Oakhill Cemetery 1,349.60

Senior Center 1,659.66

Community Center 8,033.31

Pool 9,171.41

Water 6,141.26

Sewer 6,005.24

CBD 570.00

TOTAL SALARIES 110,406.96

Various

FIDELITY SECURITY LIFE E 263.40

UNITED STATES LIFE INSUR 107.21

GENERAL ADMINISTRATION

BELLINO FIREWORKS INC 1,000.00

BOMGAARS SUPPLY 9.79

BRONSON FAMILY FIREWORKS 1,000.00

CASS COUNTY REGISTER OF 142.50

DANIEL MARTINEZ 860.00

DERBY'S HEATING AND AIR 79.95

FIRST BANKCARD 1,857.27

HOMETOWN FIREWORKS INC 1,000.00

JOHN MASTERS 1,000.00

KA-BOOMERS DBA 1/2 PRICE 1,000.00

KATHRYN SHARP 125.00

MICHAEL MURPHY 250.00

NEBRASKA PUBLIC POWER DI 679.64

PAPILLION SANITATION 92.20

PAYLESS OFFICE PRODUCTS 4.94

PEGGY WILSEY 185.31

RICHARD L BULTEZ	500.00
RICOH	42.75
THE COLUMBUS TELEGRAM	369.75
WALT WERRE	400.00
WILD WILLY'S FIREWORKS L	1,000.00
WIREBUILT CO	75.00
HUMANE/CODE ENFORCEMENT	
HEARTS UNITED	55.00
LAMBERT VET SUPPLY	23.89
NEBRASKA PUBLIC POWER DI	95.36
POLICE	
DIGITAL ALLY	278.00
JOHN'S APPLIANCE	15.66
KAHLER CONSTRUCTION	200.00
MJN INC	1,200.00
MULLENAX AUTO SUPPLY	5.99
NEBRASKA DEPT OF MOTOR V	6.60
NEBRASKA LAW ENFORCEMENT	50.00
PAYLESS OFFICE PRODUCTS	50.56
TILSON AUTOMOTIVE	901.63
WOODHOUSE FORD SOUTH INC	6.43
STREET	
BOMGAARS SUPPLY	72.45
CONWAY OIL COMPANY	2,222.91
LINDER TIRE & AUTO INC	328.00
LYMAN RICHEY SAND & GRAV	1,758.38
MULLENAX AUTO SUPPLY	451.79
NEBRASKA PUBLIC POWER DI	7,306.39
OLMSTED & PERRY ENGINEER	60.42
PAPILLION SANITATION	117.66
PAYLESS OFFICE PRODUCTS	24.99
LIBRARY	
BAKER & TAYLOR BOOKS	49.79
CHARTER BUSINESS	32.00
DEMCO	69.52
MIDWEST OUTDOOR DESIGN	6,500.00
POLARIS LIBRARY SYSTEMS	8,953.64
RICOH	709.55
RICOH USA INC	378.78
SPRAGUE ELECTRIC	100.00
WINDSTREAM	50.72
PARK & REC	
BOMGAARS SUPPLY	22.18

FERGUSON ENTERPRISES	188.00
JOHN DEERE CREDIT	372.95
MEESKE ACE HARDWARE	251.00
NEBRASKA PUBLIC POWER DI	177.38
PAPILLION SANITATION	102.95
THE COLUMBUS TELEGRAM	91.45
TILSON AUTOMOTIVE	175.00
CEMETERY	
BLACK HILLS ENERGY	18.60
FIRE	
HEARTLAND TECHNOLOGY SOL	20.00
JOE GRADOVILLE	22.50
NEBRASKA PUBLIC POWER DI	960.56
SENIOR CITIZEN CTR	
BOMGAARS SUPPLY	128.87
OFE OIL INC.	50.00
PAYLESS OFFICE PRODUCTS	110.96
STEUBE'S THRIFTWAY	637.16
THE THOMPSON COMPANY	5,009.60
COMMUNITY CENTER	
ALAN HIGLEY	1,700.00
ALLISON WELCH	187.50
CECILIA A GUERRA	50.00
CIT TECHNOLOGY	627.40
DEBBIE BAGGENSTOSS	125.00
DIANA L. POGREBA	50.00
FASTENAL COMPANY	58.66
FERGUSON ENTERPRISES	65.70
FOUR STAR LAUNDRY	4.07
JOYCE HICKS	50.00
KAREN MOREHEAD	200.00
KELLEY STEELE	75.00
LINDA HAUENSTEIN	50.00
MECHANICAL SALES INC	5,301.00
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	100.00
PAPILLION SANITATION	101.00
RASMUSSEN MECHANICAL SER	923.25
RICOH	723.35
SARAH ASCHENBRENNER	200.00
SHARI BARRIOS	60.00
THOMAS WOODS	975.00
AQUATIC	

AMERICAN RED CROSS LOESS	555.00
AQUA CHEM INC	2,808.50
BOMGAARS SUPPLY	37.43
EGAN SUPPLY CO	178.83
NEBRASKA PUBLIC POWER DI	2,169.10
NO FRILLS SUPERMARKET	124.56
PAPILLION SANITATION	96.14
PEPSI COLA	485.40
SAM'S	61.75
THE THOMPSON COMPANY	1,131.31
ECONOMIC DEVELOPMENT	
BOMGAARS SUPPLY	27.96
BUILDERS SUPPLY CO INC	3,852.78
FERGUSON ENTERPRISES	137.70CR
MEESKE ACE HARDWARE	22.77
MENARDS	160.10
PLATTSMOUTH READY MIX IN	523.00
RHYLANDER WELDING & MFG	741.48
WATKINS CONCRETE BLOCK C	312.00
ECONOMIC DEV - DTR PHASE 2	
JAMES P ULRICH	250.00
EMS	
FOUR STAR LAUNDRY	29.68
HEARTLAND TECHNOLOGY SOL	20.00
HIGGINS HARDWARE	11.58
KATHRYN SHARP	400.00
MATHESON TRI-GAS INC	213.34
MULLENAX AUTO SUPPLY	83.93
PAMIDA DISCOUNT CENTER	143.23
WATER	
BABUREK METAL PRESERVING	300.00
GREAT PLAINS ONE CALL SE	42.12
HAWKINS INC	226.50
HD SUPPLY WATERWORKS LTD	2,069.33
KNIGHT TRUCKING LLC	1,369.76
NEBRASKA PUBLIC POWER DI	9,252.06
OLMSTED & PERRY ENGINEER	60.42
UTILITY EQUIPMENT COMPAN	1,111.79
WATER DEPARTMENT-PETTY C	478.96
WINDSTREAM	45.96
SEWER	
CENTRAL UNITED LIFE INSU	265.44
UNITED STATES LIFE INSUR	30.40

	DEZURIK WATER CONTROLS	602.13
	GREAT PLAINS ONE CALL SE	42.11
	MCINTIRE MANAGMENT GROUP	392.63
	MIDWEST LABORATORIES INC	1,350.50
	NEBRASKA PUBLIC POWER DI	3,062.03
	OLMSTED & PERRY ENGINEER	60.41
	PAPILLION SANITATION	39.42
	UTILITY EQUIPMENT COMPAN	256.69CR
	WINDSTREAM	93.36
22	CSO PROJECT PHASE II	
	BAIRD HOLM LLP	4,000.00
30	HWY 75 PROJECT	
	GENERAL EXCAVATING CO	46,752.21
	OLMSTED & PERRY ENGINEER	3,322.50
	GENERAL EXCAVATING CO	46,752.21
	Kerns	110.00
	OLMSTED & PERRY ENGINEER	1,147.50
32	WESTSIDE	
	OLMSTED & PERRY ENGINEER	2,083.16
35	BLACK HILLS SEWER	
	OLMSTED & PERRY ENGINEER	863.84
	Total Claims	204,179.14
	Total Claims & Salaries	314,586.10

Council Member Kerns stated that he would be abstaining from any discussion on the Consent Agenda as his company, Kerns Excavating has a claim for consideration.

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Tilson introduced a resolution numbered and titled: RESOLUTION NO. 12-018 AMENDED: A RESOLUTION OF THE CTY OF PLATTSMOUTH, NEBRASKA, LEVYING SPECIAL ASSESSMENTS FOR SANITARY SEWER IMPROVEMENTS. It was clarified that the only amendment to the original resolution (No. 12-018) was the addition of the Cass County Assessor Parcel Numbers for each lot listed.

Motion by Tilson, seconded by Brookhouser to adopt **RESOLUTION NO. 12-018 AMENDED: A RESOLUTION OF THE CITY OF PLATTSMOUTH, NEBRASKA, LEVYING SPECIAL ASSESSMENTS FOR SANITARY SEWER IMPROVEMENTS.** City Attorney Roger Johnson read Resolution No. 12-018 AMENDED in to the record by title only. ROLL CALL: Yes-

Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9-NEW BUSINESS

ITEM 9 A

Chris Koenig, HDR Engineering, Inc. reviewed Change Order No. 1 from Roloff Construction, Inc. and also gave the council information on Change Order No. 2 which will be on the August 6, 2012 City Council agenda for consideration. Motion by Brookhouser, seconded by Kerns to approve Change Order No. 1 with a decrease of \$3,526.39 from Roloff Construction, Inc. for the Sewer Separation Phase 2 for an adjusted contract price of \$1,403,734.96 and an addition of 1 day to the contract time revising the contract time to 181 days and authorize the Mayor to execute Change Order No. 1. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 B

Chris Koenig, HDR Engineering Inc reviewed the construction status and gave an update on the Sewer Separation Phase 2 Project. Koenig stated that they hoped to have the intersection of 1st Avenue from 6th Street to 7th Street open by the end of the week; next week the intersection of 8th Avenue and Chicago Avenue would be closed for approximately 2 weeks; and over all the project is going really well.

ITEM 9 C

City Administrator Erv Portis reviewed the Black Hills Energy Memorandum of Understanding regarding a Sewer Line Relocation Agreement. Motion by Riese, seconded by Derby to approve the Blacks Hills Energy Memorandum of Understanding regarding a Sewer Line Relocation Agreement and authorize the Mayor to execute the Memorandum of Understanding; and authorize the City Engineer to proceed with Sewer Line Relocation Design. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Pursuant to publication, Mayor Bowman opened a public hearing at 7:17 p.m. with regard to the City of Plattsmouth Application to the Department of Economic Development for a Nebraska Affordable Housing Program Grant. Emily Bausch, Southeast Nebraska Development District, Community Development Specialist read the Public Hearing Notice. Bausch stated that there is no local match required on Housing Projects. The Management Funds and the Administrative Funds were reviewed. No one else spoke. Mayor Bowman closed the Public Hearing at 7:25 p.m.

ITEM 9 E

Council Member Dugan introduced a Resolution numbered and titled: **RESOLUTION NO. 12-020: A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS**

Motion by Dugan, seconded by Riese to adopt a resolution numbered and titled: **RESOLUTION NO. 12-020: A RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR NEBRASKA AFFORDABLE HOUSING PROGRAM FUNDS.** City Attorney Roger Johnson read Resolution No. 12-020 in to the record by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council Member Brookhouser introduced a Resolution numbered and titled: **RESOLUTION NO. 12-021: A RESOLUTION ADOPTING HOUSING REHABILITATION PROGRAM GUIDELINES FOR THE 2012 CITYWIDE HOUSING REHABILITATION PROGRAM**

Motion by Brookhouser, seconded by Tilson to adopt a resolution numbered and titled: **RESOLUTION NO. 12-021: A RESOLUTION ADOPTING HOUSING REHABILITATION PROGRAM GUIDELINES FOR THE 2012 CITYWIDE HOUSING REHABILITATION PROGRAM.** City Attorney Roger Johnson read Resolution No. 12-021 in to the record by title only. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Emily Bausch, Southeast Nebraska Development District, Community Development Specialist and City Administrator Erv Portis reviewed the proposed Main Street Façade Program revisions. One of the proposed revisions is the loan may be forgivable based on occupancy for “X” number of years. Portis asked that if any council members have input to please contact him as the revisions will be on the August 6, 2012 agenda for council consideration.

ITEM 9 H

Pursuant to publication, Mayor Bowman opened a public hearing at 7:34 p.m. with regard to the Nebraska Liquor Control Commission Application for Liquor License from Shopko Stores Operating Company LLC DBA Shopko Hometown 662, 211 South 23rd Street, Plattsmouth. No one spoke in favor or opposition to the application. Mayor Bowman closed the public hearing at 7:35 p.m.

ITEM 9 I

Motion by Riese, seconded by Porter to make a favorable recommendation to the Nebraska Liquor Control Commission with regard to the Nebraska Liquor Control Commission Application for

Liquor License from Shopko Stores Operating Company LLC DBA Shopko Hometown 662, 211 South 23rd Street, Plattsmouth. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 J

Charles Jones, Plattsmouth Main Street Association Executive Director stated that this is the second year for the Plattsmouth Summer Festival-last year it was held at the Plattsmouth Eagles Club. Don Phillips is promoting the event again this year and the Main Street Association is supporting the event. Jones assured the council that the music would be done by 9:00 p.m. and stated that there would be something for all ages. Motion by Kerns, seconded by Riese to approve the request of Charles Jones, Executive Director of Plattsmouth Main Street Association to close South 4th Street from the east/west alley directly behind the stage South to 1st Avenue on Sunday, August 12, 2012 from 6:00 a.m. to 11:00 p.m. for an event "Plattsmouth Summer Festival 2012". ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 K

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest to discuss Castaway Point, LLC vs. City of Plattsmouth, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819. 7:45 p.m. Motion by Porter, seconded by Tilson to convene in Closed Session to protect the public interest to discuss Castaway Point, LLC vs. City of Plattsmouth, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest to discuss Castaway Point, LLC vs. City of Plattsmouth, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819.

7:50 p.m. Motion by Riese, seconded by Brookhouser to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 9 L

Motion by Tilson, seconded by Dugan to approve Task Order No. 5-Water Treatment Plant CO2 Tank Replacement and authorize the Mayor to execute the Task Order. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 M

Motion by Tilson, seconded by Porter to approve Task Order No. 7-Flood Recovery Wells No. 1, 2 and 3 Removal and authorize the Mayor to execute the Task Order. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

8:00 p.m. Motion by Tilson, seconded by Tesarek to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk