

PLATTSMOUTH CITY COUNCIL
August 20, 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 August 20, 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

ITEM 7-CONSENT AGENDA:

Motion by Kerns, seconded by Tesarek to approve the Consent Agenda as presented.

- A Consider approval of August 6, 2012 Plattsmouth City Council Meeting Minutes
- B Consider setting the next regular City Council meeting for Tuesday, September 4, 2012 due to the Labor Day Holiday
- C Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 08/10/2012 not Net as before

General Admin 15,163.52

Humane 1,146.40

EMS 5,480.88

Police 29,193.94

Street 10,772.95

Public Library 6,543.78

Parks 2,105.12
 Oakhill Cemetery 1,349.60
 Senior Center 1,955.28
 Community Center 7292.09
 Pool 10,477.53
 Water 6,150.43
 Sewer 6,014.41
 CBD 570.00
 TOTAL SALARIES 104,215.93

VARIOUS

UNITED STATES LIFE INSUR	30.40
CINTAS CORPORATION #749	36.75
UNITED STATES LIFE INSUR	107.21

GENERAL ADMINISTRATION

BAIRD HOLM LLP	170.10
CASS COUNTY REGISTER OF	6.00
DUGAN BUSINESS FORMS	173.89
JORDAN SURVEYING	1,600.00
KATHRYN SHARP	125.00
KONICA MINOLTA BUSINESS	1,009.37
MICROFILM IMAGING SYSTEM	60.00
PITNEY BOWES INC.	108.00
SAM'S	37.45
SCHNEIDER AGENCY	40.80
THE COLUMBUS TELEGRAM	676.21
VERIZON WIRELESS	87.86
WINDSTREAM	319.49
WIREBUILT CO	75.00

HUMANE/CODE ENFORCEMENT

KETCH ALL CO	40.00
PLATTSMOUTH ANIMAL HOSPI	267.68

POLICE

AMERITAS LIFE INSURANCE	157.18
CASS COUNTY SHERIFF	3,509.00
FORD CREDIT DEPT 67-434	7,702.93
KONICA MINOLTA BUSINESS	555.31
LEE ENTERPRISES INC	444.00
MJN INC	800.00

MULLENAX AUTO SUPPLY	14.88
NATIONAL LAW ENFORCEMENT	58.83
TILSON AUTOMOTIVE	267.14
VERIZON WIRELESS	36.95
WARGA BROADCASTING LLC	300.00
WINDSTREAM	285.91

STREET

CINTAS CORPORATION #749	244.60
EGAN SUPPLY CO	192.08
HDS WHITE CAP CONST SUPP	339.98
HIGGINS HARDWARE	32.50
LINDER TIRE & AUTO INC	65.00
MEESKE ACE HARDWARE	68.99
MICHAEL TODD & COMPANY I	522.25
MULLENAX AUTO SUPPLY	427.04
NEBRASKA PUBLIC POWER DI	87.83
ROSE EQUIPMENT INC	571.95
VERIZON WIRELESS	135.88
WINDSTREAM	107.14

LIBRARY

APOLLO REFRIGERATION & H	7,373.00
BAKER & TAYLOR BOOKS	688.43
CENTER POINT LARGE PRINT	213.90
DEMCO	155.90
JOHN'S APPLIANCE	209.00
KONICA MINOLTA BUSINESS	603.90
NEBRASKA LIBRARY COMMISS	2,461.70
OCLC INC	515.73
POLARIS LIBRARY SYSTEMS	635.24

PARK & REC

EGAN SUPPLY CO	376.16
LINDER TIRE & AUTO INC	15.00
MULLENAX AUTO SUPPLY	121.79
NEBRASKA PUBLIC POWER DI	70.20
RGS REPAIR INC	2,414.54
THE COLUMBUS TELEGRAM	7.29
VERIZON WIRELESS	33.97
WILES BROS. INC.	153.05
WINDSTREAM	52.62

CEMETERY

BLACK HILLS ENERGY	18.60
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LINDER TIRE & AUTO INC	108.00
MULLENAX AUTO SUPPLY	89.83
WINDSTREAM	75.60

FIRE

FIRE GUARD	40.62
FIRST WATCH INC	162.20
NEBRASKA PUBLIC POWER DI	230.71
NEBRASKA STATE VOLUNTEER	1,060.00
SAM'S	.00
THE COLUMBUS TELEGRAM	5.89
WINDSTREAM	107.00

FIRE PICKLE FUND

NEBRASKA DEPARTMENT OF REVENUE	380.00
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SENIOR CITIZEN CTR

NEBRASKA PUBLIC POWER DI	1,289.77
OFE OIL INC.	311.98
STEUBE'S THRIFTWAY	481.37
THE THOMPSON COMPANY	5,098.56
WINDSTREAM	114.84

COMMUNITY CENTER

ALLISON WELCH	100.00
BOMGAARS SUPPLY	34.40
DEBBIE BAGGENSTOSS	37.50
DIANA L. POGREBA	50.00
DOLLAR GENERAL	127.60
JOYCE HICKS	125.00
KAREN MOREHEAD	200.00
KELLEY STEELE	75.00
KONICA MINOLTA BUSINESS	679.46
LINDA HAUENSTEIN	50.00
MICHAEL ANZALONE	90.00
MICHELLE MCKNIGHT	100.00
NEBRASKA PUBLIC POWER DI	11,607.94
SAM'S	37.45
SARAH ASCHENBRENNER	162.50
SHARI BARRIOS	30.00
THOMAS WOODS	975.00
VERIZON WIRELESS	68.68
WINDSTREAM	344.51

AQUATIC

AQUA CHEM INC	586.18
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DOLLAR GENERAL	77.30
HIGGINS HARDWARE	50.89
THE COLUMBUS TELEGRAM	88.80
THE THOMPSON COMPANY	200.79

ECONOMIC DEVELOPMENT

FASTENAL COMPANY	14.45
FERGUSON ENTERPRISES	603.84
FREMONT NAT'L BANK & TRU	2,328.75
MEESKE ACE HARDWARE	427.86
OMAHA DOOR & WINDOW COMP	2,500.00
THE COLUMBUS TELEGRAM	30.30
WATKINS CONCRETE BLOCK C	524.25

DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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EMS

ALS AFFILIATES	90.00
BOUND TREE MEDICAL LLC	266.94
FOUR STAR LAUNDRY	30.54
KATHRYN SHARP	400.00
LIFE-ASSIST INC	999.18
MATHESON TRI-GAS INC	325.48
METRO BILLING SERVICES	1,258.00
NEBRASKA PUBLIC POWER DI	230.71
PREMIER HEALTH CARE SERV	2,500.00
THE COLUMBUS TELEGRAM	5.89
WINDSTREAM	107.00

WATER

APOLLO REFRIGERATION & H	4,803.37
GREAT PLAINS ONE CALL SE	42.43
HAWKINS INC	2,048.64
HIGGINS HARDWARE	77.70
LINDER TIRE & AUTO INC	36.00
MICHAEL TODD & COMPANY I	484.75
MULLENAX AUTO SUPPLY	33.14
NEBRASKA PUBLIC HEALTH E	164.00
SCHNEIDER AGENCY	16.32
VERIZON WIRELESS	101.91
WENTZ HOLDING LLC	750.00
WINDSTREAM	160.88

SEWER

GREAT PLAINS ONE CALL SE	42.42
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	MIDWEST LABORATORIES INC	559.00
	O'REILLY AUTOMOTIVE INC	83.59
	OLMSTED & PERRY ENGINEER	2,113.55
	SCHNEIDER AGENCY	10.88
	VERIZON WIRELESS	33.97
	DRUG FORFEITURE	
	NEXTEL PARTNERS	99.98
28	.05% SALES TX ST/SIDE MAINT DEBT	
	PLATTSMOUTH STATE BANK	2,265.00
30	HWY 75 PROJECT	
	OLMSTED & PERRY ENGINEER	1,275.00
32	WESTSIDE	
	OLMSTED & PERRY ENGINEER	2,925.00
	Total Claims	100,357.91
	Total Claims and Salaries	204,573.84

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Steve Perry, Olmsted & Perry Consulting Inc., reviewed all items that needed to be adjusted. Mr. Perry stated that was their recommendation to approve. Council Member Riese asked for clarification on the initial increase.

7:05 p.m. Council Member Tilson left the Council Chambers

Motion by Kerns, seconded by Brookhouser to approve Change Order No. 4 (Final) in the amount of (+)3,843.70 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 \$178,381.00, and authorize the Mayor to execute the Change Order. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 B

Steve Perry, Olmsted & Perry Consulting Inc. reviewed the status of the project stating that he anticipates the project to be completed today, recommends payment of Application for Payment No. 3 but suggested the check be held until work is complete.

7:07 p.m. Council Member Tilson returned to Council Chambers

Motion by Derby, seconded by Riese to approve Application for Payment No. 3 (Final) 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 in the amount of \$42,444.28 holding payment until all work is complete and authorize the Mayor to execute Application for Payment. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council Member Kerns stated that he would be abstaining from any discussion or action on this item as he is the president and major shareholder of Kerns Excavating Co., Inc.

Steve Perry, Olmsted & Perry Consulting Inc. reviewed the project and recommended payment of Application for Payment No. 2 (Final). Motion by Porter, seconded by Riese to approve Application for Payment No. 2 (Final) with Kerns Excavating Co. Inc. for the City Boat Ramp and Park Area Repairs in the amount of \$13,406.18 and authorize the Mayor to execute Application for Payment. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 8 D

Steve Perry, Olmsted & Perry Consulting Inc. stated that this is a No Cost Change Order-there was a delay in getting the electrical panel but it is now on site so that was the need for the time extension. Mr. Perry stated that the extension has no impact on the NDOR project. Motion by Riese, seconded by Brookhouser to approve Change Order No. 1 with Kerstens Construction Inc. for the Westside Commercial Subdivision Sewage Pumping Station for a time extension and authorize the Mayor to execute Change Order. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Council Member Riese introduced a resolution numbered and titled: RESOLUTION NO. 12-023: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD

Motion by Riese, seconded by Porter to adopt RESOLUTION NO. 12-023: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA RELATED TO THE DESIGNATION OF AN AREA OF THE CITY AS BLIGHTED AND SUBSTANDARD. The procedures for Tax Increment Financing were clarified by City Administrator Erv Portis. Portis also stated that it is a multi-step process and the pieces go concurrently. Mike Bacon, T.I.F. Attorney was also present to answer any questions. City Attorney Roger Johnson read Resolution No. 12-023 in to the record by title only. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-Tilson. Absent-None. Abstain-None.

MOTION CARRIED.
ITEM 8 F

Council Member Porter introduced Ordinance No. 1849 entitled:

AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 1 OVERLAY (PUD-1); TO AMEND THE CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Porter, seconded by Riese to approve second reading of Ordinance No. 1849 by title only. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese, Dugan and Tesarek. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1849 in to the record by title only.

Motion by Kerns, seconded by Porter to adopt Ordinance No. 1849 on third reading by title only. City Administrator Erv Portis advised against adoption at this time. Kerns withdrew his motion and Porter withdrew his second.

ITEM 8 G

Council Member Riese introduced Ordinance No. 1850 entitled:

AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM GENERAL COMMERCIAL DISTRICT (GC) TO URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3) SUBJECT TO PLANNED UNIT DEVELOPMENT 2 OVERLAY (PUD-2); TO AMEND THE CITY'S OFFICIAL ZONING MAP; TO REPEAL ALL ORDINANCES OF THE CITY IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE. Motion by Riese, seconded by Dugan to approve second reading of Ordinance No. 1850 by title only. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Dugan, Tesarek and Derby. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1850 in to the record by title only.

ITEM 8 H

NO ACTION taken on the consideration of RESOLUTION NO. 12-024: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE A SPECIAL USE PERMIT FOR CORPORATE OFFICES IN URBAN RESIDENTIAL HIGH DENSITY DISTRICT (R-3), SUBJECT TO PLANNED UNIT DEVELOPMENT 2 OVERLAY (PUD-2), ZONING DISTRICT at the recommendation of the City Administrator as the resolution is not relevant unless Ordinance No. 1849 and 1850 are adopted.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Pursuant to publication, Mayor Bowman opened a public hearing at 7:28 p.m. with regard to the Nebraska Liquor Control Commission Application for Catering License from Jalisco Inc. DBA LaFiesta, 902 S. Chicago Ave, Suite B, Plattsmouth. No one spoke in favor or opposition to the application. The Mayor closed the public hearing at 7:28 p.m.

ITEM 9 B

Motion by Kerns, seconded by Porter to give a favorable recommendation to the Nebraska Liquor Control Commission regarding the Application for Catering License submitted by Jalisco Inc. DBA LaFiesta, 902 S. Chicago Ave., Suite B, Plattsmouth, NE. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Riese, seconded by Tesarek to give a favorable recommendation to the Nebraska Liquor Control Commission regarding the request made by Fraternal Order of Eagles #365 for addition to premises. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Porter, seconded by Tilson to approve an amendment to the Employee Handbook by adopting an Employee Catastrophic Illness Bank to assist employees meeting financial needs during cases of medical hardship. ROLL CALL: Yes-Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Kerns, seconded by Tilson to approve the waiving of the Plattsmouth City Parks Curfew for the City Boat Ramp and Park from August 30, 2012 through September 3, 2012. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

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; and Plattsmouth Rural Fire Board Interlocal Agreements. 7:35 P.M. Motion by Riese, seconded by Porter to convene to

Closed Session to protect the public interest to discuss: Castaway Point, LLC vs. City of Plattsburgh, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819; and Plattsburgh Rural Fire Board Interlocal Agreements. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Tesarek. 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 Plattsburgh, litigation filed in Federal District Court regarding the relocation of the floodway line per Ordinance No. 1819; and Plattsburgh Rural Fire Board Interlocal Agreements.

8:53 p.m. Motion by Dugan, seconded by Riese to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

9:13 p.m. Motion by Tesarek, seconded by Porter to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk