

PLATTSMOUTH CITY COUNCIL
November 19, 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 November 19, 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

Geri Byrk, 503 School Road, Plattsmouth spoke in favor of the Historic Guidelines.

Rich McKinley, 201 Avenue A, Plattsmouth-Chairman of the Historic Preservation Board gave a brief review of the 7 year process to get to this point and stated that the Board feels that adoption of an ordinance designating a Historic District would help secure and maintain the integrity of Main Street.

Jennifer Jensen, 14372 Penny Drive, Plattsmouth-co-owner of DC's Waterhole, 441 Main Street, Plattsmouth asked the council to consider amending the City's current ordinance which regulates the sale of alcohol on Sundays to align with the state statute which was revised in July 2012. LB 681 allows the sale of distilled liquor between 6:00 a.m. and noon on Sundays and Jensen feels that both package and on-sale businesses would benefit from the change. With the completion of the Main Street project there has been an increase in visitors to Main Street and this requested change would allow businesses to serve the customer's drink of choice prior to noon on Sundays.

Jennifer Jensen also stated the DC's Waterhole and other Main Street businesses will again be sponsoring Play'n It Safe-Free Ride Home on New Year's Eve-this is the 3rd year.

Charles Jones, Executive Director Plattsmouth Main Street Association stated that flags are flying at 6th and Main in honor of the 4 killed at the Embassy. Jones then made reference to the Historic District Petition Drive and its success. There are 76 primary business entrances in the District and just this year 31 have made improvements and there are 12 pending applications.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of November 5, 2012 Plattsmouth City Council Meeting Minutes
- B Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 11/02/2012 not Net as before

General Admin 14,811.81
Humane 1,169.60
EMS 7,554.27
Police 31,056.24
Street 10,936.39
Public Library 6,732.91
Parks 1,376.00
Oakhill Cemetery 1,376.80
Senior Center 2,141.29
Community Center 7,461.38
Pool
Water 6,236.92
Sewer 6,097.71
CBD 570.00
TOTAL SALARIES 97,521.32

VARIOUS

SHELL 6,492.43
BLUE CROSS BLUE SHIELD 39,192.83
CINTAS CORPORATION #749 15.00
GENERAL ADMINISTRATION
CASS COUNTY REGISTER OF 30.50

CHARTER BUSINESS 40.00
FIRST BANKCARD 50.98
First Bankcard training 471.33
HDR Engineering 3,422.00
Reimburse the Treasurer for travel 298.18

HARLAN SEYFER 979.51
KONICA MINOLTA BUSINESS 160.79
KONICA MINOLTA PREMIER F 296.16
MICROFILM IMAGING SYSTEM 130.00
NEBRASKA PUBLIC POWER DI 64.74
PAPILLION SANITATION 48.50
PITNEY BOWES 102.48
PITNEY BOWES INC. 108.00
SCHNEIDER AGENCY 14,155.80
TYLER TECHNOLOGIES 4,195.90
VOSS LIGHTING 43.80
WINDSTREAM 270.21
WIREBUILT CO 75.00

HUMANE/CODE ENFORCEMENT

J P COOKE COMPANY 106.13
LINDER TIRE & AUTO INC 114.09
NEBRASKA PUBLIC POWER DI 125.86
PLATTSMOUTH ANIMAL HOSPI 20.00

POLICE

CASS COUNTY SHERIFF 7,018.00
JACK'S UNIFORMS & EQUIPM 145.89
JEFF HENRY CHEVROLET 26.45
JONATHAN HARDY 45.93
KAHLER CONSTRUCTION 1,470.00
KONICA MINOLTA BUSINESS 56.67
KONICA MINOLTA PREMIER F 197.60
LINDER TIRE & AUTO INC 55.00
MULLENAX AUTO SUPPLY 100.31
NATIONAL LAW ENFORCEMENT 118.81
RGS REPAIR INC 230.80
ROBERT L. BURNETT 101.55
STEVE RATHMAN 58.83
WARGA BROADCASTING LLC 600.00
WINDSTREAM 292.48

WOODHOUSE FORD SOUTH INC 6.45

STREET

BARNES DISTRIBUTION 233.07
BGNE INC 338.50
CHARLIE E KONKLER 345.00
CINTAS CORPORATION #749 305.75
CRA PAYMENT CENTER 543.42
FASTENAL COMPANY 301.63
HIGGINS HARDWARE 73.99
LINDER TIRE & AUTO INC 73.00
MENARDS 164.16
MICHAEL TODD & COMPANY I 867.11
MULLENAX AUTO SUPPLY 1,484.45
NEBRASKA PUBLIC POWER DI 6,748.94
PAPILLION SANITATION 117.66
PLATTSMOUTH READY MIX IN 1,923.82
WINDSTREAM 108.98
WOODHOUSE FORD SOUTH INC 6,972.54

LIBRARY

BAKER & TAYLOR BOOKS 990.93
BOMGAARS SUPPLY 74.50
CENTER POINT LARGE PRINT 213.90
COMPUTERS TO GO 39.99
DEMCO 102.10
DOLLAR GENERAL 18.00
KONICA MINOLTA BUSINESS 104.43
KONICA MINOLTA PREMIER F 197.60
PAPILLION SANITATION 14.56
POLARIS LIBRARY SYSTEMS 750.00
STATE OF NEBRASKA 100.00
STEPHEN C. WARGA 26.00
STEUBE'S THRIFTWAY 63.72
THE COLUMBUS TELEGRAM 29.60

PARK & REC

BOMGAARS SUPPLY 170.28
MULLENAX AUTO SUPPLY 93.24
NEBRASKA PUBLIC POWER DI 115.05
O'REILLY AUTOMOTIVE INC 14.85
PAPILLION SANITATION 107.62
WINDSTREAM 52.42

CEMETERY

BLACK HILLS ENERGY	30.88
MULLENAX AUTO SUPPLY	171.27
WINDSTREAM	75.76

FIRE

FOUR STAR LAUNDRY	16.87
HEIMAN INC	55.41
IDEAL PURE WATER	16.37
KATHRYN SHARP	300.00
LARUE DISTRIBUTING INC	42.00
MULLENAX AUTO SUPPLY	38.45
NEBRASKA PUBLIC POWER DI	192.59
PAPILLION SANITATION	14.56
WINDSTREAM	106.93

SENIOR CITIZEN CTR

CIT TECHNOLOGY	169.69
FOUR STAR LAUNDRY	50.63
NEBRASKA PUBLIC POWER DI	819.00
THE THOMPSON COMPANY	6,154.35
WINDSTREAM	114.61

COMMUNITY CENTER

ALLISON WELCH	137.50
ASSOCIATED SUPPLY CO	23.71
CECILIA A GUERRA	100.00
AMERICAN RED CROSS	252.00
DAVE STEINKRUGER	50.00
DEBBIE BAGGENSTOSS	175.00
DIANA L. POGREBA	50.00
JOYCE HICKS	200.00
KAREN MOREHEAD	50.00
KELLEY STEELE	100.00
KONICA MINOLTA BUSINESS	541.34
KONICA MINOLTA PREMIER F	278.83
LINDA HAUENSTEIN	50.00
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	25.00
NEBRASKA PUBLIC POWER DI	7,371.01
NOVA FITNESS EQUIPMENT	679.00
PAPILLION SANITATION	101.00
SAM'S	471.67
SARAH ASCHENBRENNER	137.50
SHOPKO STORES OPERATING	21.39

SPRAGUE ELECTRIC	243.00
THE LIFEGUARD STORE, INC	38.85
THOMAS WOODS	939.00
VOSS LIGHTING	324.01
WINDSTREAM	343.84

AQUATIC

NEBRASKA PUBLIC POWER DI	121.83
PAPILLION SANITATION	100.51

ECONOMIC DEVELOPMENT

METAL DOORS & HARDWARE C	68.00
Columbus Telegram	37.88

DEBT SERVICE

PLATTSMOUTH STATE BANK	10,155.00
WATER & SEWER DEPARTMENT	6,113.22
WELLS FARGO	103,805.00

EMS

FOUR STAR LAUNDRY	16.88
HIGGINS HARDWARE	11.49
IDEAL PURE WATER	16.35
KATHRYN SHARP	300.00
LARUE DISTRIBUTING INC	42.00
LIFE-ASSIST INC	1,175.79
LONE STAR PRODUCTS & EQU	203.00
MATHESON TRI-GAS INC	176.82
NEBRASKA PUBLIC POWER DI	192.59
PAPILLION SANITATION	14.58
VIDACARE CORP	1,635.04
WINDSTREAM	106.92

WATER

DUGAN BUSINESS FORMS	572.27
EXTREME TRENCHING LLC	3,096.00
GREAT PLAINS ONE CALL SE	41.80
HAWKINS INC	230.50
HD SUPPLY WATERWORKS LTD	3,138.43
NEBRASKA PUBLIC POWER DI	6,115.15
NE Dept of Health for Well #8	887.50
SCHNEIDER AGENCY	4,718.60
SHERWIN WILLIAMS	61.41
TYLER TECHNOLOGIES	1,678.36
WENTZ HOLDING LLC	1,500.00

WINDSTREAM	158.32
SEWER	
D.P.C. INDUSTRIES INC.	45.00
DUGAN BUSINESS FORMS	572.27
DULTMEIER SALES	62.47
GREAT PLAINS ONE CALL SE	41.81
HOTSY EQUIPMENT CO	175.06
LINDER TIRE & AUTO INC	50.00
MIDWEST LABORATORIES INC	423.15
MULLENAX AUTO SUPPLY	18.71
NE DOL	36.00
NEBRASKA PUBLIC POWER DI	2,560.59
O'REILLY AUTOMOTIVE INC	67.08
PAPILLION SANITATION	41.21
RAILROAD MANAGEMENT COMP	530.45
SCHNEIDER AGENCY	4,718.60
SHOPKO STORES OPERATING	23.50
TYLER TECHNOLOGIES	1,118.90
UTILITY EQUIPMENT COMPAN	79.27
WINDSTREAM	46.58
24 .05% SALES TAX STREET/SIDE MAINT	
BOMGAARS SUPPLY	84.43
EDWARD L VINCENT JR	250.00
MILLARD SPRINKLER INC	160.00
MULLENAX AUTO SUPPLY	14.99
28 .05% SALES TX ST/SIDE MAINT DEBT	
PLATTSMOUTH STATE BANK	44,000.98
31 NOT IN CHART OF ACCTS	
PLATTSMOUTH STATE BANK	10,290.92
Total Claims	338,512.03
Total Claims and Salaries	430,664.46

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Tilson introduced a Resolution numbered and titled: RESOLUTION NO. 12-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO REGULATE THE ON-STREET PARKING ON THE WEST

SIDE OF WEST DEER LANE AND THE EAST SIDE OF EAST DEER LANE IN THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA.

Motion by Tilson, seconded by Dugan to adopt Resolution No. 12-045:

RESOLUTION NO. 12-045

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO REGULATE THE ON-STREET PARKING ON THE WEST SIDE OF WEST DEER LANE AND THE EAST SIDE OF EAST DEER LANE IN THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA.

WHEREAS the Plattsmouth City Council has considered modifying the on-street parking on the west side of West Deer Lane and the east side of East Deer Lane, including the public safety; and

WHEREAS the City Council is authorized to regulate parking on the public streets.

NOW, THEREFORE, BE IT RESOLVED by the Plattsmouth City Council that there shall be no parking on the west side of West Deer Lane, located in the City of Plattsmouth, Cass County, Nebraska, and that the same shall be posted "No Parking."

BE IT FURTHER RESOLVED that there shall be no parking on the east side of East Deer Lane, located in the City of Plattsmouth, Cass County, Nebraska, and that the same shall be posted "No Parking."

PASSED AND APPROVED this 19TH day of November 2012.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

After discussion, City Attorney Roger Johnson read Resolution No. 12-045 in to the record.

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

ITEM 8 B

Motion by Brookhouser, seconded by Porter to approve authorizing publishing notice and soliciting sealed bids for the removal of existing CO₂ tank and concrete support, construction of tank support, and furnishing and installation of CO₂ tank and controls at the Water Treatment Plant. After discussion, ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 C

Motion by Riese, seconded by Derby to approve authorizing publishing notice and soliciting sealed bids for the construction of a 1,300 gpm production well including drilling, casing, screen and well development (new Well No. 8). After discussion, ROLL CALL: Yes-Porter, Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek and Derby. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 D

City Administrator Ervin Portis stated that due to the need for further conversations with representatives of SSRJ, Inc dba Plattsmouth Keno he would recommend granting further Cessation and Interruption of Operation only until December 3, 2012. Motion by Riese, seconded by Brookhouser to approve granting further Cessation and Interruption of Operations for SSRJ, Inc. dba Plattsmouth Keno through December 3, 2012. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 8 E

Motion by Tilson, seconded by Dugan to approve the request of Happy Paws Animal Advocacy to establish an off-leash dog park and set aside an area on the site of the former swimming pool at Memorial Park for the dog park. City Administrator Ervin Portis suggested adding the following contingencies: proper infrastructure is in place; proper signage; and amendment of the existing ordinance regarding off-leash policies. Council member Tilson amended his motion to be: approve the request of Happy Paws Animal Advocacy to establish an off-leash dog park and set aside an area on the site of the former swimming pool at Memorial Park for the dog park contingent on the proper infrastructure being in place, proper signage and an amendment to the existing ordinance regarding off-leash policies. Tilson's amended motion was seconded by Dugan. After discussion, 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

Council Member Kerns stated that he would be abstaining from any discussion or action on this item as he is the President and majority shareholder for Kerns Excavating Company.

Motion by Dugan, seconded by Riese to approve payment of two (2) invoices submitted by Kerns Excavating Company: Cemetery Water Line-\$2,340.00; and Cemetery Sewer Line-\$3,602.50. ROLL CALL: Yes-Derby, Porter, Brookhouser, Tilson, Riese, Dugan and Tesarek. No-None. Absent-None. Abstain-Kerns. MOTION CARRIED.

ITEM 9 B

Motion by Brookhouser, seconded by Riese to approve Supplemental Agreement No. 3 by and between the State of Nebraska Department of Roads (NDOR) and the City of Plattsmouth increasing by \$26,873.00 NDOR's contribution for improvements on U.S. Highway 34 as part of the City's Combined Sewer Separation Phase 2 project and authorize the Mayor to execute the Agreement. After discussion, ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 C

Motion by Derby, seconded by Tilson to authorize a petition consenting to the establishment of supportive overlay zoning (Historic District 1-HD1) within the Plattsmouth Land Development Ordinance. ROLL CALL: Yes-Riese, Dugan, Tesarek, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 D

Motion by Riese, seconded by Brookhouser to authorize waiving the \$30.00 membership joining fee for the Plattsmouth Community Center from Monday, January 14, 2013 through Saturday, January 19, 2013 during the annual Member Appreciation Week and authorize the Annual Chili Contest on Friday, January 18, 2013. ROLL CALL: Yes-Tilson, Riese, Dugan, Tesarek, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 E

Motion by Dugan, seconded by Tesarek to approve the purchase of three (3) Four-gas monitor detectors and calibration testing units from Grainger by the Plattsmouth Volunteer Fire Department out of the Pickle Account at a cost not to exceed \$8,000.00. After discussion, ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby, Porter and Kerns. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 F

Motion by Derby, seconded by Porter to approve the request of Charles Jones, Executive Director of the Plattsmouth Main Street Association to close the Entertainment Plaza (South 4th Street-Main Street to alley directly south ½ block) from November 20, 2012 through January 4, 2013 for 2012 Victorian Christmas-On-Main and other special Christmas activities. After extensive discussion regarding the planned events and activities in the requested time frame Council Member Derby rescinded his motion and Council Member Porter rescinded his second. Motion by Dugan, seconded by Derby to approve the closing of the Entertainment Plaza (South 4th Street-Main Street to alley directly south ½ block) from December 6, 2012 through December 8, 2012 for Christmas On Main. ROLL CALL: Yes-Tesarek, Derby, Porter, Kerns, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 9 G

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest to discuss legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 7:42 p.m. Motion by Dugan, seconded by Porter to convene to Closed Session to protect the public interest to discuss legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. ROLL CALL: Yes-Kerns, Brookhouser, Tilson, Riese, Dugan, Tesarek, Derby and Porter. No-None. Absent-None. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest to discuss legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement. 8:34 p.m. Motion by Dugan, seconded by Tesarek to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

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

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk