

PLATTSMOUTH CITY COUNCIL

February 4, 2013

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:02 o'clock p.m. on February 4, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: Terry Kerns, John R. Porter, Jeanie Brookhouser, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: Terry D. Tilson. 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

There were no Mayoral proclamations.

ITEM 7-CONSENT AGENDA:

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

A Consider approval of January 21, 2013 Plattsmouth City Council Meeting Minutes

B Consider approval of claims

CLAIMS REGISTER REPORT

Please note these are GROSS SALARIES 01/11/2013 not Net as before

General Admin 14,935.56

Humane 1,169.60

EMS 7,323.60

Police 34,782.25

Street 11,326.92

Public Library 6,282.36

Parks 180.00
Oakhill Cemetery 1,376.80
Senior Center 2,003.74
Community Center 6,949.69
Pool
Water 6,423.16
Sewer 6,283.95
CBD 570.00
TOTAL SALARIES 99,607.63

NO DEPT ENTERED

MUTUAL OF OMAHA	60.81
CENTRAL UNITED LIFE INSU	265.44
MUTUAL OF OMAHA	18.96
AMERICAN FAMILY LIFE ASS	215.59
BLUE CROSS BLUE SHIELD	38,554.20
DELTA DENTAL PLAN	2,109.65
FRATERNAL ORDER OF POLIC	180.00
MUTUAL OF OMAHA	560.48
PLATTSMOUTH STATE BANK	1,384.44
THE UNION CENTRAL LIFE I	155.02

GENERAL ADMINISTRATION

BAIRD HOLM LLP	292.50
BLACK HILLS ENERGY	1,097.54
BOMGAARS SUPPLY	7.03
ERVIN PORTIS	17.10
FIRST BANKCARD	85.00
INTERNL INSTITUTE FO MUN	145.00
KATHRYN SHARP	125.00
KEVIN LARSON	78.59
NEBRASKA PUBLIC POWER DI	233.44
PITNEY BOWES INC.	108.00
PLATTSMOUTH JOURNAL	44.70
SANDRA MEYER	31.07
SOUTHEAST AREA CLERKS AS	10.00

HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY	9.99
HENRY MOTORS SERVICE CEN	186.51

POLICE

FIRST BANKCARD	55.77
IACP NET	120.00
JACK'S UNIFORMS & EQUIPM	238.23
JONATHAN HARDY	122.41
KONICA MINOLTA BUSINESS	6.19
PAYLESS OFFICE PRODUCTS	119.91
REID RICHTER	330.00
RYAN CRICK	127.32
STEVE RATHMAN	73.84

STREET

ALLIED OIL & TIRE COMPAN	429.93
BARNES DISTRIBUTION	99.85
BLACK HILLS ENERGY	587.14
BLUETARP FINANCIAL INC	684.48
BOMGAARS SUPPLY	159.76
EGAN SUPPLY CO	148.38
FASTENAL COMPANY	52.78
HDS WHITE CAP CONST SUPP	273.47
MEESEKE ACE HARDWARE	19.95
MICHAEL TODD & COMPANY I	418.89
NEBRASKA PUBLIC POWER DI	632.21
OLMSTED & PERRY ENGINEER	400.85
RHYLANDER WELDING & MFG	105.00

LIBRARY

BAKER & TAYLOR BOOKS	699.64
BLACK HILLS ENERGY	189.63
CHARTER BUSINESS	16.00
COMPUTERS TO GO	24.99
DOLLAR GENERAL	16.00
FIRST BANKCARD	1,948.62
GALE	32.31
HIGGINS HARDWARE	13.24
MT LIBRARY SERVICES	125.55
NEBRASKA PUBLIC POWER DI	576.40
POLARIS LIBRARY SYSTEMS	4,030.00
POLARIS USERS GROUP	100.00

PARK & REC

3-D ENTERPRISES	427.60
ALLIED INSULATION SUPPLY	157.00
BLACK HILLS ENERGY	249.81
BOMGAARS SUPPLY	80.04
NEBRASKA PUBLIC POWER DI	120.92

STEVE KONFRST TRASH	175.04
CEMETERY	
NEBRASKA PUBLIC POWER DI	71.38
FIRE	
ALARM PROS	306.50
BLACK HILLS ENERGY	154.65
FORT DEARBORN LIFE INSUR	196.08
HEIMAN INC	12,005.92
HENRY COLLISION CENTER	500.00
INTERNATIONAL ASSOCIATIO	170.00
KATHRYN SHARP	200.00
MULLENAX AUTO SUPPLY	700.33
OFE OIL INC.	1,808.95
P&W	830.25
SENIOR CITIZEN CTR	
BLACK HILLS ENERGY	390.45
CIT TECHNOLOGY	7.84
EGAN SUPPLY CO	61.81
COMMUNITY CENTER	
ALLISON WELCH	187.50
ANDERSON ELECTRIC & PUMP	40.00
BLACK HILLS ENERGY	3,514.02
BOB COOK	36.92
CECILIA A GUERRA	125.00
CHARTER BUSINESS	99.70
DAVE STEINKRUGER	75.00
DEBBIE BAGGENSTOSS	262.50
DEBRA S FLAHERTY	297.00
DIANA L. POGREBA	175.00
EGAN SUPPLY CO	114.50
FOUR STAR LAUNDRY	19.62
JOYCE HICKS	125.00
KAREN MOREHEAD	50.00
KELLEY STEELE	125.00
LAUREN GEORGE	75.00
LINDA HAUENSTEIN	100.00
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	150.00
NEBRASKA AIR FILTER INC	42.93
SARAH ASCHENBRENNER	187.50
SHOPKO STORES OPERATING	76.95
THE THOMPSON COMPANY	135.34
TODD VERMUELE	200.00

AQUATIC

BLACK HILLS ENERGY 18.79
WINDSTREAM 23.58

ECONOMIC DEVELOPMENT

MEESKE ACE HARDWARE 69.98

EMS

ALARM PROS 306.50
BLACK HILLS ENERGY 154.64
EGAN SUPPLY CO 96.17
HEARTLAND TECHNOLOGY SOL 230.00
KATHRYN SHARP 200.00
MATHESON TRI-GAS INC 212.35
METRO BILLING SERVICES 816.00
PLATTSMOUTH VOLUNTEER FI 25.00
ZOLL MEDICAL CORPORATION 804.82

WATER DEPARTMENT

BLACK HILLS ENERGY 283.08
BOMGAARS SUPPLY 471.95
D & D LASER INC 169.90
HAWKINS INC 430.50
HDR ENGINEERING INC 21,264.71
KNIGHT TRUCKING LLC 679.06
LINDER TIRE & AUTO INC 1,288.08
MENARDS 22.45
NEBRASKA PUBLIC POWER DI 2,009.03
O'REILLY AUTOMOTIVE INC 403.96
SARGENT DRILLING 900.00
UNITED STATES POST OFFIC 190.00

SEWER DEPARTMENT

BLACK HILLS ENERGY 1,203.68
BOMGAARS SUPPLY 169.24
C SCOTT SERVICES 6,854.00
EGAN SUPPLY CO 89.24
HD SUPPLY WATERWORKS LTD 404.76
HDR ENGINEERING INC 904.52
HIGGINS HARDWARE 10.99
MCINTIRE MANAGMENT GROUP 505.06
MULLENAX AUTO SUPPLY 16.57
NEBRASKA PUBLIC POWER DI 42.46
SHOPKO STORES OPERATING 75.31
THE FRAZIER COMPANY 311.00
USA BLUEBOOK 521.86

.05% SALES TAX STREET/SIDE MAINT

BOMGAARS SUPPLY	72.98
FASTENAL COMPANY	1.57
HIGGINS HARDWARE	7.79
PLATTSMOUTH STATE BANK	2,265.00

Total Claims 128,430.43

Total Claims and Salaries 228,038.06

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Council Member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1855: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA, ENACTING 5-6.1 OF THE LAND DEVELOPMENT ORDINANCE, CREATING THE DOWNTOWN PLATTSMOUTH HISTORIC DISTRICT; ESTABLISHING SUPPORTIVE OVERLAY ZONING WITHIN THE PLATTSMOUTH LAND DEVELOPMENT ORDINANCE, AMENDING THE PLATTSMOUTH ZONING MAP; ALLOWING FOR SEVERABILITY OF PROVISIONS; TO REPEAL ALL ORDINANCES IN CONFLICT, TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Riese, seconded by Dugan to approve third and final reading of Ordinance No. 1855 by title only. ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 8 B

Council Member Brookhouser introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1856: 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: TRACT 1: A PARCEL OF LAND BEING SITUATE IN PART OF THE NORTHWEST (NW ¼) OF THE NORTHWEST (NW ¼) OF SECTION 13, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF TAX LOT 86 BEING THE POINT OF BEGINNING; THENCE N00°00'00"E A DISTANCE OF 462.26 FEET ALONG WEST LINE OF SAID TAX LOT 86; THENCE S89°36'08"W A DISTANCE OF 121.00 FEET ALONG LINE OF SAID TAX LOT 86; THENCE N0°00'00"E A DISTANCE OF 505.65 FEET ALONG THE WEST LINE OF SAID TAX LOT 86; THENCE N89°47'32"E A DISTANCE OF 593.80 FEET ALONG NORTH LINE OF SAID TAX LOT 86 TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 75 TO THE NORTHWEST CORNER OF SUBLOT 4 OF TAX LOT 36 (REPLATTED) ,**

TENCE CONTINUING SOUTH ALONG THE EAST LINE OF SAID SUBLOT 4 TO THE NORTHEAST CORNER OF BESTMANN ADDITION, TENCE CONTINUING SOUTH ALONG THE EAST LINE OF BESTMANN ADDITION TO THE SOUTHEAST CORNER OF SAID ADDITION, TENCE WEST ALONG THE SOUTH LINE OF SAID ADDITION TO THE SOUTHWEST CORNER OF BESTMANN ADDITION, TENCE S89°36'13"W A DISTANCE OF 124.83 FEET ALONG THE SOUTH LINE OF SAID TAX LOT 86 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.3 ACRES, MORE OR LESS; TRACT 2: A PARCEL OF LAND BEING SITUATE IN PART OF THE SOUTHEAST (SE ¼) OF THE NORTHEAST (NE ¼) AND THE NORTHEAST (NE ¼) OF THE SOUTHEAST (SE ¼) OF SECTION 14, TOWNSHIP 12 NORTH, RANGE 13 EAST OF THE 6TH PRINCIPAL MERIDIAN, CASS COUNTY, NEBRASKA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF TAX LOT 1 BEING THE POINT OF BEGINNING; TENCE SOUTH ALONG THE EAST LINE OF TAX LOT 1 TO THE SOUTHEAST CORNER OF TAX LOT 1, TENCE CONTINUING SOUTH ALONG THE EAST LINE OF TAX LOT 15 (NE1/4,SE ¼) A DISTANCE OF 594 FEET, TENCE WEST ALONG AND PARALLEL TO THE NORTH LINE OF TAX LOT 15, 990 FEET; TENCE NORTH ALONG AND PARALLEL TO THE EAST LINE OF TAX LOT 15 A DISTANCE OF 594 FEET TO THE SOUTHWEST CORNER OF TAX LOT 14 TENCE NORTH ALONG THE WEST LINE OF TAX LOT 14 TO THE NORTHWEST CORNER OF TAX LOT 14, TENCE EAST ALONG THE NORTH LINE OF TAX LOTS 1, 11, AND 14 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 43.5 ACRES, MORE OR LESS.; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND TO PROVIDE AN EFFECTIVE DATE. Motion by Brookhouser, seconded by Porter to approve third and final reading of Ordinance No. 1856 by title only. ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Riese and Dugan. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Chris Koenig, HDR was present to answer any questions. Motion by Porter, seconded by Riese to accept bid and award contract to Neuvirth Construction for the construction of the Well House No. 8 and Site Improvements at the Water Treatment Plant at a contract price of \$550,158.30 and authorize the Mayor to execute the contract. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese, Dugan and Wiemer. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 B

Pursuant to publication, Mayor Bowman opened a public hearing at 7:11 p.m. with regard to a special use permit application by Cheryl Dorff for a stable in a RR (Rural Residential) Zoning District on property located at 18621 Deer Ridge Drive, Plattsmouth, legally described as lot 23, Swallow Hills Estates, Cass County, Nebraska. A Court Reporter, on behalf of the City of Plattsmouth, was present and recorded the testimony of all who testified or presented evidence.

William R. Reinsch representing Cheryl Gourley (Dorff) spoke in favor and presented a summary of the criteria for review. Cheryl Gourley (Dorff) spoke in favor. Derek Johnson spoke in favor. Gary L. Hicks representing "Neighbor's in Favor" spoke in favor. Holly Weeks spoke in favor and presented a printed power point presentation. Sam Distefano spoke in opposition and presented a letter. Mark Bergersol spoke in opposition. Jody Distefano spoke in opposition and presented her script, a petition and a letter from an adjoining property owner. Heather Anschutz spoke in opposition and presented court documentation of a lawsuit . Tom Anschutz spoke in opposition. Duane Denton representing "Neighbors Opposed" spoke in opposition and presented a letter. William J. Herek spoke in opposition. Jann Bergerson spoke in opposition. Jennifer Brockman representing Ryan and Jennifer Brockman spoke in opposition. Deb Lucas representing Neil and Deb Lucas spoke in opposition. Kathy Burson spoke in opposition and presented her script. James Burson spoke in opposition. Roberta Young spoke in opposition and presented 2 letters. Bruce Dolan spoke in opposition. Kevin Larson, City of Plattsmouth Building Inspector and Zoning Administrator, as a neutral party presented 3 department memorandums; 12/20/2012 and 1/17/2013 Plattsmouth Planning Commission minutes; Special Use Permit Application submitted by Cheryl Dorff; and Land Development Ordinance for the City of Plattsmouth August, 2006 and requested to replace with a photo copy of the same. Linda Grunberg spoke in favor. Members of the public submitting a Public Hearing Testimonial Form but did not testify are: Scott Gourley in favor; Marty Hicks in favor; Deirdre Johnson in favor; Vicki Larsen in favor; Ruth Madison in favor; Sheryl Hanssen in favor; Lori Meisenheimer in favor; Rebekah Heather in favor; Karen Adkins in favor; Ann Herek in opposition; Dean Jindra in favor; Betty Dolan in opposition; Sandra Daley neutral; Joan Ryan in opposition; Ed Ryan in opposition; Timothy Adkins in favor. Mayor Bowman closed the public hearing at 8:24 p.m.

ITEM 9 C

Council Member Dugan introduced a Resolution numbered and titled as follows: **RESOLUTION NO. 13-009: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE A SPECIAL USE PERMIT FOR STABLE OPERATIONS SPECIFIC TO THE APPLICANT ON LOT 23, SWALLOW HILLS ESTATES, CASS COUNTY, NEBRASKA (SWALLOW HILLS)**

Motion by Dugan, seconded by Riese to adopt RESOLUTION NO. 13-009:

RESOLUTION NO. 13-009

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AUTHORIZE A SPECIAL USE PERMIT FOR STABLE OPERATIONS SPECIFIC TO THE APPLICANT ON LOT 23, SWALLOW HILLS ESTATES, CASS COUNTY, NEBRASKA (SWALLOW HILLS).

WHEREAS, a public hearing was held and public input was received.

WHEREAS, reports were received from the Building Inspector/Zoning Administrator and City Administrator regarding the application of Table 12.1 of the Land Development Ordinance of the City of Plattsmouth 2006 to the circumstances surrounding the stable application.

NOW THEREFORE, BE IT RESOLVED that the following are the findings of facts made by the Mayor and City Council:

1. The development density as it relates to site area per unit, or floor area ratio related to building coverage, are below the allowable 30% for all the lots in the area. Applicant's coverage is 2.8% of the 7 acres owned by Applicant. Various lots in the Swallow Hills development contain detached large and small accessory buildings.

2. The building height is 24'10", which is under the maximum rural residential restriction of 36 feet. The barn accessory building is an allowed structure pursuant to the City's Land Development Ordinance.

3. The barn accessory structure is set back beyond the required distances in rural residential zoning districts. It is set back approximately 700' from the front lot line and in excess of 5' from the side yard and rear yard lot lines.

4. Building footprint coverage, including house, detached garage and barn, is 2.8%, resulting in low density in comparison to the possible 30% allowable coverage.

5. Frontage along the street is approximately 50 feet and is adequate for access to the lot.

6. Parking is available on-site and is adequate to serve all structures with minimal conflicts between pedestrians and vehicles. Six spaces are available near the barn and additional spaces are available along the 400' driveway between the house and the barn. There is an additional 300' of driveway between the right of way and the house.

7. The site is accessible to fire and emergency medical services vehicles.

8. There is adequate space for internal circulation with 700' of driveway and parking spaces near the barn, allowing vehicles to turn around without entering the public right of way, which minimizes conflicts and congestion at the public access point.

9. The site is heavily wooded which buffers it from the right of way and from neighbors' residences. During construction, best management practices were utilized and natural drainage ways were preserved.

10. Architectural design and building materials are compatible with the surrounding area. Architectural integrity of the building is consistent with others in the area.

11. The added traffic on the publicly dedicated roads will not reduce service to the existing traffic. There is no need to make further road improvements to mitigate the impact of the additional traffic. The posted speed limit on the roads is 15 miles per hour.

12. While non-residential traffic will use publically dedicated roads, parking will be on-

site and not in the right of way.

13. Operating days are Monday through Saturday and have limited hours.
14. There will be no outside storage which is not screened from surrounding roads and less intensive land uses.
15. Sanitary waste disposal will not adversely affect the public health, safety, or welfare. The septic system is adequate to serve the intended human use. The applicant will land apply manure on site producing a rich compost which is recycled.
16. Drainage will not be affected by the proposed use, so storm water management remains consistent with natural drainage.
17. Original planning of the development included riding trails for horses.
18. The property is served by electricity via the City of Plattsmouth through the Professional Retail Operations Agreement with Nebraska Public Power District; Sanitary and Improvement District 7 water, which water is purchased directly from the City of Plattsmouth; wastewater is via septic on the property. There is no need to expand existing utilities as a result.
19. The use will not increase the probability of erosion, flooding, landslides, or other run-off related effects.
20. The use as a stable in a rural residential neighborhood is consistent with the comprehensive development plan of Plattsmouth. The Future Land Use Map, 2.3, identifies the properties as Rural/Estate Residential, and the property is currently zoned rural residential. Per the land development ordinance, horses are an allowed use on the property.
21. The facilities are adequate to handle up to or even more than 12 clients at any one time.
22. Seven acres of property is adequate to service 7 horses.

BE IT FURTHER RESOLVED that pursuant to section 12-4:

“The City Council may, at its discretion, apply a special use permit to a specific owner or applicant. The City Council may establish special ... operational regulations as a condition for approval of the special use permit.”

BE IT FURTHER RESOLVED that the special use permit is approved based on the above findings of fact and that the permit is issued subject to the following limitations:

1. The maximum number of horses allowed on the property at any one time is seven (7), and there shall be no other hooved animals.

2. The hours of operation are limited to Monday through Saturday from 8:00 a.m. to 7:00 p.m.

3. Parking shall be on-site at Lot 23, Swallow Hills. No parking shall be allowed in the publicly dedicated right of way, nor on the driveway between the right of way and the house, for purposes of stable operations. In addition, there shall be no more than 12 clients for stable operations parked on the property at any one time.

4. Stable operations shall take place only on Lot 23, Swallow Hills, and no clients shall ride off of said lot.

5. No more than 12 stable operation clients shall be served at any one time.

6. No persons outside of family members shall be employed in the operation of the stable.

7. There shall be quarterly inspections of the stable operations by City staff during first year of operation and an annual inspection thereafter.

8. There shall be an annual inspection of horses utilized in the stable operations by a licensed veterinarian at the Applicant's expense, and the Applicant shall provide the City with a copy of the inspection report.

9. The special use permit shall be limited to the Applicant and shall not run with the land.

BE IT FURTHER RESOLVED that it is not for the City to determine whether restrictive covenants recorded against the property are enforceable, and that the same are a private matter between the parties to the restrictive covenants agreement. Instead, it is for the City to properly apply its zoning regulations according to its ordinance. *Wessel v. Hillsdale Estates, Inc.*, 200 Neb. 792, 799, 266 N.W.2d 62, 66-67 (Neb. 1978): "We will waste no time on the third assignment of error. It is the courts, and not the city council, which have the ultimate responsibility of enforcing protective covenants."

PASSED AND APPROVED this 4TH day of February 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-009 in to the record. After discussion, ROLL CALL: Yes-Brookhouser, Riese and Dugan. No-Kerns, Wiemer, Derby and Porter. Absent-Tilson. Abstain-None. MOTION FAILED.

ITEM 9 D

Council Member Riese introduced a Resolution numbered and titled as follows: **RESOLUTION NO. 13-010: Adoption of HOUSING REHABILITATION PROGRAM GUIDELINES for the 2012 Plattsmouth Citywide Housing Rehabilitation Program**, including a Program Income Re-Use Plan and Minimum Standards under the Affordable Housing Program through the Nebraska Department of Economic Development

Motion by Riese, seconded by Dugan to adopt RESOLUTION NO. 13-010:

RESOLUTION NO. 13-010

SUBJECT: Adoption of **HOUSING REHABILITATION PROGRAM GUIDELINES** for the **2012 Plattsmouth Citywide Housing Rehabilitation Program**, including a Program Income Re-Use Plan and Minimum Standards under the Affordable Housing Program through the Nebraska Department of Economic Development.

WHEREAS: Plattsmouth, Nebraska has been awarded 2012 Community Development Block Grant (CDBG) Housing Rehabilitation Category funds through the Nebraska Department of Economic Development (NDED), and,

WHEREAS: The 2012 CDBG Affordable Housing Program provides for offering housing rehabilitation assistance to eligible homeowners within Plattsmouth, and,

WHEREAS: Plattsmouth will comply with statutory and administrative regulations associated with the Community Development Block Grant Program, administered by the Nebraska Department of Economic Development and will utilize CDBG funds for housing rehabilitation within the community in accordance with the 2012 Citywide Housing Rehabilitation Application and Program, and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PLATTSMOUTH THAT:

The City Council herewith adopts as its official Program Guidelines the materials appended and attached hereto. No other Housing Rehabilitation Program Guidelines shall stand or be in effect other than the **2012 Plattsmouth Citywide Housing Rehabilitation Program Guidelines**.

Passed and adopted this ____ day of _____, 2013

Michael Bowman, Mayor

ATTEST:

/s/Sandra Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-010 in to the record. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Riese. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 E

John Yochum, Executive Director of the Cass County Nebraska Economic Development Council (CCNEDC) gave a presentation regarding the activities and benefits of CCNEDC. Yochum stated that the major goals for the CCNEDC are: Business Attraction; Business Retention; and Product Improvement and then reviewed the Economic Activities.

ITEM 9 F

Motion by Riese, seconded by Derby to approve the renewal of the Agreement between the City of Plattsmouth and the Cass County Nebraska Economic Development Council and authorize the Mayor to execute the agreement. ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Dugan, Wiemer and Derby. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 G

Council Member Riese introduced an ordinance numbered and titled as follows: **ORDINANCE NO. 1857: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND CHAPTER 4, ARTICLE 1, SECTION 4-144 RELATED TO THE IMPLEMENTATION OF RESOLUTION NO. 11-044 CREATING LIMITED TRUCK ROUTES WITHIN THE CORPORATE LIMITS OF THE CITY AND TO ESTABLISH A PENALTY FOR THE VIOLATION OF THE SAME; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.** Motion by Riese, seconded by Wiemer to approve first reading of ORDINANCE NO. 1857 by title only. After discussion, ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Said ordinance was read in to the record by title only.

ITEM 9 H

Motion by Dugan, seconded by Riese to approve an Escrow Agreement by and between Westside Development, Inc. which is the Owner and Developer of Westside Plaza and the City of Plattsmouth to assure completion of infrastructure on Public Right of Way no later than April 30, 2013 and authorized the Mayor to execute the agreement. ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Riese and Dugan. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 I

Motion by Riese, seconded by Brookhouser to approve a License Agreement Allowing Use of Right of Way for the construction of infrastructure in the form of a retaining wall along Westside Drive adjacent to Lot 10, Westside Commercial Subdivision, as surveyed, platted and recorded in Cass County, Nebraska. After discussion as to clarification of the exact location of the retaining wall,

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

ITEM 9 J

Motion by Kerns, seconded by Brookhouser to receive a claim filed by Michael and Vicki Williams, 412 Fulton Avenue, Plattsmouth and refer it to the insurance company. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 K

Motion by Brookhouser, seconded by Derby to excuse the absences of Council Member Terry D. Tilson from the following Regular City Council Meetings: December 3, 2012, December 17, 2012, January 7, 2013, January 21, 2013 and February 4, 2013. ROLL CALL: Yes-Kerns, Brookhouser, Riese, Wiemer and Derby. No-Dugan and Porter. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 L

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest in regard to legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement and legal contractual matters related to the Keno contract with SSRJ, Inc. 9:10 p.m. Motion by Riese, seconded by Porter to convene to Closed Session to protect the public interest in regard to legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement and legal contractual matters related to the Keno contract with SSRJ, Inc. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Riese, Dugan and Wiemer. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest in regard to legal contractual matters related to the Plattsmouth Rural Fire Board Interlocal Agreement and legal contractual matters related to the Keno contract with SSRJ, Inc.

9:34 p.m. Motion by Dugan, seconded by Brookhouser to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 9 M

Motion by Riese, seconded by Brookhouser to approve Amendment No. 4 to the Lottery (Keno) Operator Agreement with SSRJ, Inc. doing business as Plattsmouth Keno. After discussion, ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Dugan, Wiemer and Derby. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.


ITEM 9 N

Motion by Wiemer, seconded by Porter to grant further Cessation and Interruption on Operations for SSRJ, Inc. dba Plattsmouth Keno through February 18, 2013. After discussion, ROLL CALL:


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

ITEM 12

9:40 p.m. Motion by Porter, seconded by Dugan to adjourn. MOTION CARRIED on a voice vote.


Michael C. Bowman, Mayor

ATTEST:


Sandra J. Meyer, City Clerk

