

PLATTSMOUTH CITY COUNCIL
February 18, 2013

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 February 18, 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

Heather Anschutz, 17943 Pioneer Trail, Plattsmouth voiced her opinion that the council could not reconsider the issue of the Special Use Permit submitted by Cheryl Dorff and made reference to "Robert's Rules of Order". Mayor Bowman asked Ms. Anschutz to be seated as the Special Use Permit is an agenda item. Ms. Anschutz did not return to her seat so Mayor Bowman asked Police Chief Rathman and Captain Murdoch to escort her to her seat.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral proclamations.

ITEM 7-CONSENT AGENDA:

Motion by Dugan, seconded by Riese to approve the Consent Agenda as presented:

- A Consider approval of February 4, 2013 Plattsmouth City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Catholic Education Builders Inc for a Beer Garden being held at the Church of the Holy Spirit, 520 South 18th Street, Plattsmouth on April 20, 2013 from 4:00 p.m. to midnight
- C Consider approval of claims

Please note these are GROSS SALARIES ending pay periods 01/25-02/08/13 not Net as before

General Admin 29,147.37

Humane 2,339.20

EMS 14,668.95

Police 61,880.26

Street 22,660.47

Public Library 13,081.35

Parks 360.00

Oakhill Cemetery 2,753.61

Senior Center 4,136.42

Community Center 14,325.02

Pool

Water 12,406.05

Sewer 12,127.57

CBD 1,140.00

TOTAL SALARIES 191,026.27

NO DEPT ENTERED

SHELL 5,119.90

CINTAS CORPORATION #749 15.00

FIDELITY SECURITY LIFE E 263.40

FRATERNAL ORDER OF POLIC 180.00

UNITED STATES LIFE INSUR 107.21

GENERAL ADMINISTRATION

ASSOCIATION OF GOVT ACCT 460.00

CASS COUNTY TREASURER 6,697.50

DES MOINES STAMP MFG. CO 43.54

DOLLAR GENERAL 3.75

GOVERNMENT FINANCE OFFIC 170.00

JOHN BAXTER 50.00

KONICA MINOLTA BUSINESS 166.83

KONICA MINOLTA PREMIER F 296.16

MICROFILM IMAGING SYSTEM 100.00

NEBRASKA PUBLIC POWER DI 65.85

OLMSTED & PERRY ENGINEER 72.50

PAPILLION SANITATION 48.50

PAYLESS OFFICE PRODUCTS	44.47
SCHNEIDER AGENCY	42,117.00
WINDSTREAM	70.54
WIREBUILT CO	75.00

HUMANE/CODE ENFORCEMENT

DOLLAR GENERAL	8.00
HEARTS UNITED	195.00
NEBRASKA HUMANE SOCIETY	657.00
NEBRASKA PUBLIC POWER DI	271.64

POLICE

ALLIED OIL & TIRE COMPAN	456.25
CASS COUNTY SHERIFF	3,509.00
HART'S AUTO SUPPLY	407.00
KONICA MINOLTA BUSINESS	46.15
KONICA MINOLTA PREMIER F	197.60
LINDER TIRE & AUTO INC	36.00
MULLENAX AUTO SUPPLY	12.43
ROBERT SORENSON	24.99
SLEUTH	200.00
WARGA BROADCASTING LLC	300.00
WINDSTREAM	213.30
WOODHOUSE FORD SOUTH INC	86.74

STREET

BGNE INC	342.60
CINTAS CORPORATION #749	327.90
CONWAY OIL COMPANY	2,678.41
FASTENAL COMPANY	9.62
HIGGINS HARDWARE	4.98
INDEPENDENT AUTO REPAIR	23.60
MATHESON TRI-GAS INC	45.64
MEESKE ACE HARDWARE	69.37
MENARDS	63.38
MICHAEL TODD & COMPANY I	558.95
MULLENAX AUTO SUPPLY	889.50
NEBRASKA PUBLIC POWER DI	6,840.97
O'REILLY AUTOMOTIVE INC	29.27
PAPILLION SANITATION	117.66
PAYLESS OFFICE PRODUCTS	39.47
WOODHOUSE FORD SOUTH INC	433.42

LIBRARY

BAKER & TAYLOR BOOKS	642.24
CASS COUNTY TREASURER	1,116.25
CHOICE ELECTRIC INC	140.00
KONICA MINOLTA BUSINESS	79.66
KONICA MINOLTA PREMIER F	197.60
NEBRASKA LIBRARY ASSOCIA	200.00
NEBRASKA LIBRARY COMMISS	398.25
OCLC INC	12.24
PAPILLION SANITATION	14.56
RACO INDUSTRIES	161.00
RESEARCH TECHNOLOGY INTE	1,695.00
USI EDUCATION AND GOVERN	1,388.00
WINDSTREAM	53.19
PARK & REC	
3-D ENTERPRISES	2,090.00
CHOICE ELECTRIC INC	485.00
HIGGINS HARDWARE	18.49
MENARDS	841.65
MULLENAX AUTO SUPPLY	5.39
NEBRASKA PUBLIC POWER DI	123.20
O'REILLY AUTOMOTIVE INC	23.52
PAPILLION SANITATION	107.62
WINDSTREAM	51.50
CEMETERY	
BLACK HILLS ENERGY	152.28
WINDSTREAM	80.71
FIRE	
FOUR STAR LAUNDRY	3.74
IDEAL PURE WATER	10.25
PAPILLION SANITATION	14.56
QUALITY SIGNS	260.00
WINDSTREAM	105.22
SENIOR CITIZEN CTR	
FOUR STAR LAUNDRY	102.35
NEBRASKA PUBLIC POWER DI	922.10
OFE OIL INC.	167.84
STEUBE'S THRIFTWAY	545.40
WINDSTREAM	113.33
COMMUNITY CENTER	
ALEXANDRIA MARIE VANDE V	100.00

ALLISON WELCH	187.50
ANDERSON ELECTRIC & PUMP	40.00
AQUA CHEM INC	450.00
DAVE STEINKRUGER	75.00
DEBBIE BAGGENSTOSS	100.00
DES MOINES STAMP MFG. CO	22.18
DIANA L. POGREBA	50.00
FERGUSON ENTERPRISES	27.94
JOYCE HICKS	225.00
KAREN MOREHEAD	50.00
KELLEY STEELE	100.00
KONICA MINOLTA PREMIER F	278.83
LAUREN GEORGE	75.00
LINDA HAUENSTEIN	100.00
MICHAEL ANZALONE	120.00
MICHELLE MCKNIGHT	25.00
NEBRASKA PUBLIC POWER DI	8,298.88
PAPILLION SANITATION	101.00
PERMITE CO OF NEB AND IA	125.00
SARAH ASCHENBRENNER	162.50
THOMAS WOODS	925.00
VERNE SIMMONDS CO	288.00
WINDSTREAM	339.99

AQUATIC

NEBRASKA PUBLIC POWER DI	87.50
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ECONOMIC DEVELOPMENT

CASS COUNTY NEBRASKA ECO	3,750.00
FREMONT NAT'L BANK & TRU	117,328.75
OLMSTED & PERRY ENGINEER	294.82

DEBT SERVICE

WATER & SEWER DEPARTMENT	6,113.22
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EMS

FOUR STAR LAUNDRY	3.72
IDEAL PURE WATER	10.25
MATHESON TRI-GAS INC	197.18
PAPILLION SANITATION	14.58
WINDSTREAM	105.22

WATER DEPARTMENT

CASS COUNTY TREASURER	2,009.25
DES MOINES STAMP MFG. CO	10.68
HAWKINS INC	330.00

KNIGHT TRUCKING LLC	680.47
MISSISSIPPI LIME COMPANY	3,378.20
NEBRASKA PUBLIC HEALTH E	56.00
NEBRASKA PUBLIC POWER DI	7,617.84
O'REILLY AUTOMOTIVE INC	21.13
SCHNEIDER AGENCY	14,039.00
WATER DEPARTMENT-PETTY C	390.60
WENTZ HOLDING LLC	750.00
WINDSTREAM	156.95

SEWER DEPARTMENT

UNITED STATES LIFE INSUR	30.40
CASS COUNTY TREASURER	1,339.50
MIDWEST LABORATORIES INC	231.70
NEBRASKA PUBLIC POWER DI	2,382.48
PAPILLION SANITATION	41.21
PAYLESS OFFICE PRODUCTS	7.98
RASMUSSEN MECHANICAL SER	771.49
SCHNEIDER AGENCY	14,039.00

.05% SALES TAX STREET/SIDE MAINT

OLMSTED & PERRY ENGINEER	347.50
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Total Claims 276,388.57

Total Claims and Salaries 467,414.84

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

ITEM 8-UNFINISHED BUSINESS

ITEM 8 A

Motion by Derby, seconded by Brookhouser to authorize the renewal of the February 4, 2013 motion to adopt RESOLUTION NO. 13-009: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AND TO AUTHORIZE A SPECIAL USE PERMIT FOR STABLE OPERATIONS SPECIFIC TO THE APPLICANT ON LOT 23, SWALLOW HILLS ESTATES, CASS COUNTY, NEBRASKA (SWALLOW HILLS).** ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 B

Motion by Riese, seconded by Dugan to adopt RESOLUTION NO. 13-009: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA**

AND TO AUTHORIZE A SPECIAL USE PERMIT FOR STABLE OPERATIONS SPECIFIC TO THE APPLICANT ON LOT 23, SWALLOW HILLS ESTATES, CASS COUNTY, NEBRASKA (SWALLOW HILLS). Council Member Riese asked that the Special Use Permit Application process be explained and also Table 12.1 of the Land Development Ordinance for the City of Plattsmouth. City Attorney Roger Johnson explained that the council should base their decision on the finding of facts according to Table 12.1. After further clarification, Council Member Riese suggested that two revisions be made to the Resolution: 1) Delegate the City Administrator to enforce the terms and conditions; and 2) Limitations on days of operation be slightly more restrictive changing to Tuesday through Saturday-being closed Sunday and Monday. After further discussion, Council Member Riese amended his motion as follows: Adopt Resolution No. 13-009 to include delegating to the City Administrator to enforce the terms and conditions set forth in said resolution and change the days of operation to Tuesday through Saturday which amended motion was seconded by Dugan.

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 Tuesday 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 Tuesday 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. The City Administrator shall develop methods by which traffic and customer counts may be reasonably determined. Such methods may include manual traffic counters, examination of applicant’s day planner, or other records and

mechanisms.

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 18TH 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. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 8 C

Council Member Dugan 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 Dugan, seconded by Riese to approve second reading of Ordinance No. 1857 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 8 D

No action taken.

ITEM 9 – NEW BUSINESS

ITEM 9 A

Motion by Riese, seconded by Derby to recommend approval to the Nebraska Liquor Control Commission regarding the Application for Addition to Liquor License filed by The Quart House Pub, 401 Main Street, Plattsmouth, NE 68048. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Riese. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 B

Pursuant to publication, Mayor Bowman opened a public hearing at 7:28 p.m. with regard to the proposed One & Six Year Highway and Street Improvement Program for the City of Plattsmouth. No one spoke in favor or opposition. Mayor Bowman closed the public hearing at 7:29 p.m.

ITEM 9 C

Pursuant to publication, Mayor Bowman opened a public hearing at 7:29 p.m. with regarding a Blighted and Substandard Designation for the following real estate in Plattsmouth, Nebraska, described as: **SITE A:** Plattsmouth Outlots DB194 P938 SW4 SW4 12-12-13 (including all of adjacent vacated Rubin Drive); Plattsmouth Outlots fraction of Sublot 2 of Lot 65 DB195 P712 and Tax Lot 128 12-12-1; Plattsmouth Outlots Tax Lot 128; Plattsmouth Outlots PTDB121P320 SW4 SW4 12-12-13; Plattsmouth Outlots Sublot 1 of Lot 75 and .28a Lot 75 NW4 NW4 13-12-13; Plattsmouth Outlots Pt Lot 75 DB96P367 except PT DB105 P402 NW4NW4 13-12-13; All of Story's Addition; All of Ritchie Place; All of Julies Subdivision; All of Johnson's Subdivision; All of Winterset Addition; All of Bestmann Addition; All of Westside Commercial Subdivision; Outlots Lot 53 SE4 NW4 13-12-13; Outlots Tax Lot 83 except Sublot 1 of Lot 83 NW4 SW4 13-12-13; Outlots Lot 74 West of Railroad NE4 SW4 13-12-13; Plattsmouth Outlots Lot 84 NW4 SW4 13-12-13; Plattsmouth Outlots fraction part Lot 22 and Sublot 2 S2 SW4 13-12-13; PJ's 2nd Subdivision Lot F; PJ's 2nd Subdivision Lot E except Highway; PJ's 2nd Subdivision Lot D; Oak Terrace Lot 6 except Highway; Oak Terrace Lot 5 except Highway; Oak Terrace Lot 4 except Highway; Oak Terrace W50' Lot 2 and fraction Lot 3 except Highway; Oak Terrace Lot 1 and 2 except W50' Lot 2 and Highway; Park Plaza Subdivision Lot 1; Park Plaza Subdivision Lot 2; 24-12-13 Highway and shops; 24-12-13 Tax Lot 73 SW4 NW4; 24-12-13 Tax Lot 74 SW4 NW4; **SITE B:** Young and Hayes Addition Lot 4 and ½ vacated street except S50' Block 12; Wedner Subdivision Lot A; Young and Hayes Addition S part Lots 1,2 and ½ vacated street and alley Block 12; Young and Hayes Addition Lots 1,2 and ½ vacated street and ½ alley Block 11; Wedner Subdivision Lot B; Young and Hayes Addition Lots 3,4 Block 11; Original Town Lot 9 and W1/2 Lot 10 Block 110; Original Town E1/2 Lot 10 and all Lots 11,12 Block 110; Young and Hayes Addition Lots 1,2 Block 20; Original Town Lots 2-4 Block 111; Original Town Lot 1 Block 111; Original Town Lot 6 and 6.5' vacated alley Block 8; Original Town Lot 5 SW of Avenue and 6.5' vacated alley Block 8; Original Town Lots 3,4 and 6.5' vacated alley Block 8; Original Town N parts Lots 1,2 Block 8; Original Town Lots 7-12 Block 8; Original Town all of Lots 5,6 and Lots 7,8 except S 80' Block 22 and Block 23 except S 80' Lots 7-12; Original Town Lot 7 except

Avenue and Lot 8 S of Avenue Block 9; Original Town Lots 7,8 Block 21 and Lots 1-4 and 9-12 and vacated streets Block 22; Original Town Lots 9-11 S of Avenue Block 21; Four Us Subdivision replat 1 Lot 4; Four Us Subdivision Lot 3; OC Enterprises Subdivision Lot 2; Four Us Subdivision Lot 1; Four Us Subdivision replat 1 Lot 2; Original Town Lot 8 N of Avenue and all lots 9-12 Block 9; Original Town Lot 4R Block 21; Original Town Lot 3R Block 21; Original Town Lots 1,2 Block 21; Original Town Lots 10-12 N of Washington Ave Block 21; Original Town all Block 26; Original Town all Block 37; Original Town all Block 20; Original Town all Block 27; Original Town all Block 36; Original Town S ½ Block 19; Original Town all Block 28; Original Town all Block 35; Original Town all Block 29; Original Town all Block 34; Original Town all Block 30; Original Town all Block 33; Original Town all Block 31; Original Town all Block 32; Plattsmouth Lumber Subdivision Lot 2: **SITE C:** Outlots Lot 28 except 330' SW4 SE4 13-12-13; Outlots Lot 60 SW4SE4 13-12-13; Outlots Lot 33 SW4SE4 13-12-13; Oakmont Estates 3rd Subdivision Lot 1; Oakmont Estates 2nd Subdivision Lot 5; Oakmont Estates 3rd Subdivision Lot 4; Oakmont Estates 3rd Subdivision Lot 3; Oakmont Estates 3rd Subdivision Lot 2; John Fitzgerald's Addition S83' Lot 5 and N29' Lot 6 and ½ vacated street Block 3; John Fitzgerald's Addition N49' of S93' Lot 6 and ½ vacated Park Avenue Block 3; John Fitzgerald's Addition S44' Lot 6 and ½ vacated Park Avenue Block 3; John Fitzgerald's Addition N ½ Lot 7 and ½ vacated Park Avenue Block 3; John Fitzgerald's Addition W 131.22' S ½ Lot 7 W 131.22' Lot 8 and adjacent vacated Holdrege Street Block 3; Burris' Subdivision Lots 1-5; Burris' Subdivision Lots 6-8; Outlots Lot 30 NE4 NE4 24-12-13; Outlots Sublot 1 of Lot 30 NE4 NE4 24-12-13; Outlots Lot 56, 57 NE4 NE4 24-12-13; Outlots Lot 58 NE4 NE4 24-12-13; Valley View Addition N 140' Lot 9 Block 5; Valley View Addition S 62' of N 202' Lot 9 Block 5; Kahler's Subdivision Lot 2; Kahler's Subdivision Lot 1; 24-12-13 Storm Water Retention Structure SW4 NE4; Outlots Lot 15 SW4 NE4 24-12-13; D&W Subdivision Lot 2; D&W Subdivision Lot 1; D&W Subdivision Lot 3; Outlots Lot 24 and S 86' Sublot 2 of 26 SW4NE4 24-12-13; Barkus Subdivision replat Lot 1; Barkus Subdivision replat Lot 2; Outlots Sublot 2 of 7 SW4 NE4 and Sublot 1 of 8 NW4 SE4 24-12-13; Outlots Sublot 2 of 8 NW4 SE4 24-12-13; Curtis Heights Lot 1 NW4 SE4 24-12-13; Curtis Heights Lot 2A NW4 SE4 24-12-13; Curtis Heights Lot 2B NW4 SE4 24-12-13. City Administrator Erv Portis spoke in favor. No one else spoke. Mayor Bowman closed the public hearing at 7:30 p.m.

NOTE: City Attorney Roger Johnson left the Council Chambers.

ITEM 9 D

Pursuant to publication, Mayor Bowman opened a public hearing at 7:31 p.m. concerning a request to obligate Community Development Block Grant (CDBG) 09-DTR-101 funds as a conditional loan to Johnson Law Office/Roger and Juli Johnson, 506 Main Street, P. O. Box 160, Plattsmouth, NE for façade improvements at 506 Main Street, Plattsmouth. City Administrator Erv Portis spoke in favor. Don Gappa indicated he was in favor of. Mayor Bowman closed the public hearing at 7:33 p.m.

City Attorney Roger Johnson returned to Council Chambers.

ITEM 9 E

Council Member Brookhouser introduced a Resolution numbered and titled as follows:

RESOLUTION NO. 13-011: Adoption of the One and Six Year Road and Street Improvement Plan for 2013 for the City of Plattsmouth, Cass County, Nebraska.

Council Member Riese asked that the process of determining placement of projects on the One and Six Year Road and Street Improvement Plan be explained. After discussion, motion by Brookhouser, seconded by Porter to adopt RESOLUTION NO. 13-011:

RESOLUTION NO. 13-011

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, CASS COUNTY, NEBRASKA:

WHEREAS, the City's Street Superintendent has prepared the One and Six Year Road and Street Improvement Plan for 2013;

WHEREAS, the City's Street Superintendent recommends that the City adopt the Plan; and

WHEREAS, the Mayor and City Council have reviewed the Plan and find that it meets the requirements of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Plattsmouth approve and adopt the One and Six Year Road and Street Improvement Plan for 2013.

PASSED AND APPROVED this 18th day of February 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-011 in to the record. After further discussion, ROLL CALL: Yes-Porter, Kerns, Brookhouser, Riese, Dugan, Wiemer and Derby. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council Member Kerns introduced a Resolution numbered and titled as follows: RESOLUTION NO. 13-008A: 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 Kerns, seconded by Brookhouser to adopt RESOLUTION NO. 13-008A:

RESOLUTION NO. 13-008 A

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.

WHEREAS, the Mayor and City Council are authorized by law to declare area, in total not to exceed 35% of the city, as blighted and substandard if the criteria identified in *Neb. Rev. Stat. § 18-2103(10)* and (11) exist.

WHEREAS, the Mayor and Council previously referred to the City's Planning Commission consideration of the Blight and Substandard Determination Study dated December 2012, prepared by RDG Planning & Design (the "Study"), which makes certain determinations concerning the following described area proposed to be declared blighted and substandard:

SITE A

Plattsmouth Outlots DB194 P938 SW4 SW4 12-12-13 (including all of adjacent vacated Rubin Drive)

Plattsmouth Outlots fraction of Sublot 2 of Lot 65 DB195 P712 and Tax Lot 128 12-12-13

Plattsmouth Outlots Tax Lot 128

Plattsmouth Outlots PTDB121P320 SW4 SW4 12-12-13

Plattsmouth Outlots Sublot 1 of Lot 75 and .28a Lot 75 NW4 NW4 13-12-13

Plattsmouth Outlots Pt Lot 75 DB96P367 except PT DB105 P402 NW4NW4 13-12-13

All of Story's Addition

All of Ritchie Place

All of Julies Subdivision

All of Johnson's Subdivision

All of Winterset Addition

All of Bestmann Addition

All of Westside Commercial Subdivision

Outlots Lot 53 SE4 NW4 13-12-13

Outlots Tax Lot 83 except Sublot 1 of Lot 83 NW4 SW4 13-12-13

Outlots Lot 74 West of Railroad NE4 SW4 13-12-13

Plattsmouth Outlots Lot 84 NW4 SW4 13-12-13

Plattsmouth Outlots fraction part Lot 22 and Sublot 2 S2 SW4 13-12-13

PJ's 2nd Subdivision Lot F

PJ's 2nd Subdivision Lot E except Highway

PJ's 2nd Subdivision Lot D

Oak Terrace Lot 6 except Highway

Oak Terrace Lot 5 except Highway

Oak Terrace Lot 4 except Highway

Oak Terrace W50' Lot 2 and fraction Lot 3 except Highway

Oak Terrace Lot 1 and 2 except W50' Lot 2 and Highway

Park Plaza Subdivision Lot 1

Park Plaza Subdivision Lot 2

24-12-13 Highway and shops

24-12-13 Tax Lot 73 SW4 NW4

24-12-13 Tax Lot 74 SW4 NW4

SITE B

Young and Hayes Addition Lot 4 and ½ vacated street except S50' Block 12
Wedner Subdivision Lot A
Young and Hayes Addition S part Lots 1,2 and ½ vacated street and alley Block 12
Young and Hayes Addition Lots 1,2 and ½ vacated street and ½ alley Block 11
Wedner Subdivision Lot B
Young and Hayes Addition Lots 3,4 Block 11
Original Town Lot 9 and W1/2 Lot 10 Block 110
Original Town E1/2 Lot 10 and all Lots 11,12 Block 110
Young and Hayes Addition Lots 1,2 Block 20
Original Town Lots 2-4 Block 111
Original Town Lot 1 Block 111
Original Town Lot 6 and 6.5' vacated alley Block 8
Original Town Lot 5 SW of Avenue and 6.5' vacated alley Block 8
Original Town Lots 3,4 and 6.5' vacated alley Block 8
Original Town N parts Lots 1,2 Block 8
Original Town Lots 7-12 Block 8
Original Town all of Lots 5,6 and Lots 7,8 except S 80' Block 22 and Block 23 except S 80'
Lots 7-12
Original Town Lot 7 except Avenue and Lot 8 S of Avenue Block 9
Original Town Lots 7,8 Block 21 and Lots 1-4 and 9-12 and vacated streets Block 22
Original Town Lots 9-11 S of Avenue Block 21
Four Us Subdivision replat 1 Lot 4
Four Us Subdivision Lot 3
OC Enterprises Subdivision Lot 2
Four Us Subdivision Lot 1
Four Us Subdivision replat 1 Lot 2
Original Town Lot 8 N of Avenue and all lots 9-12 Block 9
Original Town Lot 4R Block 21
Original Town Lot 3R Block 21
Original Town Lots 1,2 Block 21
Original Town Lots 10-12 N of Washington Ave Block 21
Original Town all Block 26
Original Town all Block 37
Original Town all Block 20
Original Town all Block 27
Original Town all Block 36
Original Town S ½ Block 19
Original Town all Block 28
Original Town all Block 35
Original Town all Block 29
Original Town all Block 34
Original Town all Block 30
Original Town all Block 33

Original Town all Block 31
Original Town all Block 32
Plattsmouth Lumber Subdivision Lot 2

SITE C

Outlots Lot 28 except 330' SW4 SE4 13-12-13
Outlots Lot 60 SW4SE4 13-12-13
Outlots Lot 33 SW4SE4 13-12-13
Oakmont Estates 3rd Subdivision Lot 1
Oakmont Estates 2nd Subdivision Lot 5
Oakmont Estates 3rd Subdivision Lot 4
Oakmont Estates 3rd Subdivision Lot 3
Oakmont Estates 3rd Subdivision Lot 2
John Fitzgerald's Addition S83' Lot 5 and N29' Lot 6 and ½ vacated street Block 3
John Fitzgerald's Addition N49' of S93' Lot 6 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition S44' Lot 6 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition N ½ Lot 7 and ½ vacated Park Avenue Block 3
John Fitzgerald's Addition W 131.22' S ½ Lot 7 W 131.22' Lot 8 and adjacent vacated
Holdrege Street Block 3
Burris' Subdivision Lots 1-5
Burris' Subdivision Lots 6-8
Outlots Lot 30 NE4 NE4 24-12-13
Outlots Sublot 1 of Lot 30 NE4 NE4 24-12-13
Outlots Lot 56, 57 NE4 NE4 24-12-13
Outlots Lot 58 NE4 NE4 24-12-13
Valley View Addition N 140' Lot 9 Block 5
Valley View Addition S 62' of N 202' Lot 9 Block 5
Kahler's Subdivision Lot 2
Kahler's Subdivision Lot 1
24-12-13 Storm Water Retention Structure SW4 NE4
Outlots Lot 15 SW4 NE4 24-12-13
D&W Subdivision Lot 2
D&W Subdivision Lot 1
D&W Subdivision Lot 3
Outlots Lot 24 and S 86' Sublot 2 of 26 SW4NE4 24-12-13
Barkus Subdivision replat Lot 1
Barkus Subdivision replat Lot 2
Outlots Sublot 2 of 7 SW4 NE4 and Sublot 1 of 8 NW4 SE4 24-12-13
Outlots Sublot 2 of 8 NW4 SE4 24-12-13
Curtis Heights Lot 1 NW4 SE4 24-12-13
Curtis Heights Lot 2A NW4 SE4 24-12-13
Curtis Heights Lot 2B NW4 SE4 24-12-13

WHEREAS, if the above area was designated blighted and substandard, it would not result in the total area of the City so designated in excess of 35% of the area included in the corporate

limits of the City within the meaning of *Neb. Rev. Stat.* § 18-2103 (10) and (11);

WHEREAS, the Planning Commission has recommended that such determination be made;

WHEREAS, and said hearing was held as required by law, concerning whether the Area should be determined blighted and substandard;

WHEREAS, all requirements of law have been satisfied, including publication of a notice of a public hearing and notification mailed (a) to all registered neighborhood association whose area of representation is located within a one mile radius of the redevelopment area and (b) to the president or chairperson of each county, school district, community college, educational service unit and natural resources district whose property tax receipts may be affected;

WHEREAS, the notices stated the time of hearing, date, place and purpose;

WHEREAS, all mailed notices also included a map showing the redevelopment area; and

WHEREAS, a public hearing was held during which all persons desiring to be heard were so heard.

NOW, THEREFORE, BE IT RESOLVED that based on the Study, the recommendation of the Planning Commission and analysis and review of the conditions of property identified above located within the Area, the Mayor and Council hereby find, determine and declare that the Area identified above is an area which meets the criteria for designation as blighted and substandard in need of redevelopment under the terms of *Neb. Rev. Stat.* § 18- 2103 (10) and (11) in that such real estate is affected by conditions as set forth in the Study.

BE IT FURTHER RESOLVED that the Mayor and Council hereby find, determine and declare that the requirements of *Neb. Rev. Stat.* § 18-2109 have been satisfied.

BE IT FURTHER RESOLVED that upon referral by the City's Community Redevelopment Agency of any redevelopment plan or redevelopment plan modification with respect to the area, the City Clerk is hereby authorized to set a hearing and publish and mail notice of such hearing as required by law.

PASSED AND APPROVED this 18th day of February 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Council Member Riese asked for clarification of the process to determine what entities are notified. After discussion, City Attorney Roger Johnson read RESOLUTION NO. 13-008A in to the record.

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

City Attorney Roger Johnson left the Council Chamber.

ITEM 9 G

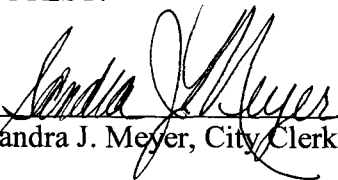
Motion by Dugan, seconded by Riese to approve a loan/grant agreement, and related documents with Johnson Law Office/Roger and Juli Johnson for conditional loan/grant of Thirty Six Thousand Nine Hundred Forty Two Dollars and 20/100 (\$36,942.20) for improvements to the building façade at 506 Main Street, pursuant to the Main Street Façade Improvement Guidelines, and authorize the Mayor to execute all necessary documents. After discussion, ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-None. Absent-Tilson. Abstain-None. MOTION CARRIED.

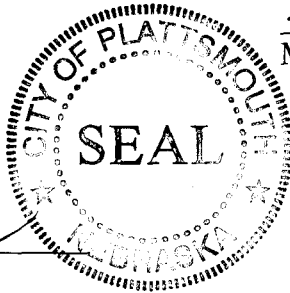
City Attorney Roger Johnson returned to the Council Chamber.


ITEM 12

7:59 p.m. Motion by Dugan, seconded by Brookhouser to adjourn. MOTION CARRIED on a voice vote.

ATTEST:


Sandra J. Meyer, City Clerk




Michael C. Bowman, Mayor