

PLATTSMOUTH CITY COUNCIL  
October 7, 2013

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:18 o'clock p.m. on October 7, 2013 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry D. Tilson, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: Terry Kerns and Jeanie Brookhouser. Also present: City Administrator Ervin Portis, City Clerk Sandra J. Meyer, City Treasurer Roger Davis and City Attorney Roger Johnson.

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 4-RECOGNITION AND INTRODUCTION

- A Mayor Bowman publicly recognized Liz VanWassenhoven, Lori Lias and Fran Walsh for their outstanding efforts as an Interim Management Team at the Plattsmouth Community Center.
- B Mayor Bowman introduced Michael Lennen as the Recreation Director at the Plattsmouth Community Center. Mayor Bowman and Council welcomed Mr. Lennen and his family.

ITEM 5-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 6-MAYORAL PROCLAMATIONS

- A Mayor Bowman proclaimed the week of October 20-26, 2013 as National Friends of the Library Week in the City of Plattsmouth

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of the September 16, 2013 City Council Meeting Minutes
- B Consider ratification of the Administrative Approval of an Application for Special Designated License submitted by Mayden Layne Enterprises Inc. d/b/a DC's Waterhole

for Cruzin Main which was rescheduled for Friday, October 11, 2013 due to the forecast of severe weather

C Consider approval of claims

Claims Register Report  
as of 10/7/2013

Payroll Claim

Pay Date: 9/20/13  
General 18482.73  
EMS 8152.99  
Police 34772.76  
Street 12192.93  
Library 6492.23  
Park and Cemetery 3588.55  
Senior 1131.15  
Com Ctr 6762.49  
Water and Sewer 11146.22

102722.05

Pay Date: 10/4/13  
General 16423.76  
EMS 8381.61  
Police 32706.93  
Street 11185.24  
Library 6870.68  
Park and Cemetery 3067.2  
Senior 1862.82  
Com Ctr 6917.51  
Water and Sewer 11427.09

98842.84

Dept Name Vendor Name Amount

VARIOUS DEPARTMENTS

AMERICAN FAMILY LIFE 869.62  
AMERITAS LIFE INSURANCE CORP 22965.47  
BLUE CROSS BLUE SHIELD 36732.93  
CENTRAL UNITED LIFE INSURANCE 265.44  
CITY TREASURER 551.34  
COLLECTION SERVICES CENTER 372  
DELTA DENTAL PLAN 1998.85  
FRATERNAL ORDER OF POLICE 180  
INTERNAL REVENUE SERVICE 49955.69

NEBRASKA DEPARTMENT OF REVENUE 6505.35  
PLATTSMOUTH STATE BANK 1288.44  
SSRJ INC DBA PLATTSMOUTH KENO 37.06  
THE UNION CENTRAL LIFE INSURANCE CO 155.02

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 18.61  
BOMGAARS SUPPLY 75.58  
CASS COUNTY REGISTER OF DEEDS 16  
FIRST BANKCARD 355  
HDR ENGINEERING INC 6000  
KATHRYN SHARP 125  
KONICA MINOLTA BUSINESS SOLUTIONS 223.05  
KONICA MINOLTA PREMIER FINANCE 296.16  
NEBRASKA PUBLIC POWER DISTRICT 936.39  
NEBRASKA SOCIETY OF CPAS 50  
PAPILLION SANITATION 48.5  
PAYFLEX 37.5  
PITNEY BOWES 140.28  
SCHNEIDER AGENCY 42289.8  
SHELL FLEET PLUS 87.64  
SOUTHEAST NE DEV DISTRICT 4500  
TYLER TECHNOLOGIES 15621.14  
VERIZON WIRELESS 83.23  
WELCH LAW FIRM LLC 1465.5

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 16.99  
NEBRASKA DEPT OF AG 150  
NEBRASKA HUMANE SOCIETY 1279  
NEBRASKA PUBLIC POWER DISTRICT 129.18  
SHELL FLEET PLUS 379.3  
VERIZON WIRELESS 40.01

Department : 03 - EMS

BLACK HILLS ENERGY 15.77  
FOUR STAR LAUNDRY 15.94  
KATHRYN SHARP 200  
KONICA MINOLTA BUSINESS SOLUTIONS 32.62  
KONICA MINOLTA PREMIER FINANCE 34.98  
LIFE-ASSIST INC 1745.91  
METRO BILLING SERVICES 595  
MIDWEST MINOR MEDICAL 100  
NEBRASKA PUBLIC POWER DISTRICT 307.7  
OVERHEAD DOOR COMPANY OF OMAHA 537.5  
PAPILLION SANITATION 14.58  
PAYFLEX 6.25  
SHELL FLEET PLUS 376.18

VERIZON WIRELESS 150

Department : 04 - POLICE

AMTEC LESS LETHAL SYSTEMS INC 528.18  
AMY RICHTER 255.83  
COMPUTERS TO GO 16.99  
CORY J SCOTT 30  
DAVID WALKER 13.59  
EVA PETERSEN 74.97  
FIRST BANKCARD 465  
JACK'S UNIFORMS & EQUIPMENT 648.58  
JEFF HENRY CHEVROLET 1194.34  
KONICA MINOLTA PREMIER FINANCE 197.6  
METROPOLITAN LINCOLN MERCURY INC 2394.03  
OMAHA TACTICAL LLC 482  
PAYFLEX 25  
PLATTSMOUTH JOURNAL 800  
SCOTT MERRIMAN INC 679  
SHELL FLEET PLUS 2948.51

Department : 05 - STREET

ALLIED OIL & TIRE CO 87.45  
BLACK HILLS ENERGY 46.53  
BOMGAARS SUPPLY 130.58  
CASS COUNTY DEPT OF ROADS 144  
FASTENAL COMPANY 27.18  
HENRY COLLISION CENTER 601.6  
HIGGINS HARDWARE 24.2  
HOSE & HANDLING INC 133.35  
IOWA PRISON INDUSTRIES 5411.15  
JOHN DEERE CREDIT 79.33  
MARTIN MARIETTA AGGREGATES 675.34  
MENARDS 160.59  
MICHAEL TODD & COMPANY INC 110.7  
MIDWEST FENCE - GUARDRAIL SYSTEMS INC 10796.25  
NEBRASKA PUBLIC POWER DISTRICT 7749.25  
OLMSTED & PERRY ENGINEERING 398.75  
PAPILLION SANITATION 117.66  
PAYFLEX 12.5  
PLATTSMOUTH READY MIX INC 2645.94  
PROTECH COMMERCIAL VEHICLE OUTFITTERS 1970  
RDG GEOSCIENCE & ENGINEERING INC 2600  
SAMUEL C MCCANDLESS 2975  
SHELL FLEET PLUS 995.64  
TERRY LINDSEY 421.99  
VERIZON WIRELESS 126.08  
WATKINS CONCRETE BLOCK CO 663  
WHITE CAP CONSTRUCTION SUPPLY 186.51

WOODHOUSE FORD SOUTH INC 177.21

Department : 06 - LIBRARY

ALEGENT CREIGHTON HEALTH 35  
BAKER & TAYLOR BOOKS 1103.39  
BLACK HILLS ENERGY 21.26  
CENTER POINT LARGE PRINT 216.9  
CHARTER BUSINESS 16  
FIRST BANKCARD 993.88  
GALE GROUP INC 53  
KIRSTEN WOOD 34.01  
KONICA MINOLTA PREMIER FINANCE 197.6  
NEBRASKA PUBLIC POWER DISTRICT 722.32  
OCLC INC 107.89  
O'KEEFE ELEVATOR CO INC 160.16  
PAPILLION SANITATION 14.56  
THE PENWORTHY CO 192.48  
WINDSTREAM 57.05

Department : 07 - PARK & REC

BLACK HILLS ENERGY 18.61  
BOMGAARS SUPPLY 255.08  
FERGUSON ENTERPRISES 56.48  
MULLENAX AUTO SUPPLY 136.15  
NEBRASKA PUBLIC POWER DISTRICT 259.2  
PAPILLION SANITATION 112.98  
SHELL FLEET PLUS 187.26  
UNITED SEED INC 1195  
VERIZON WIRELESS 31.52  
WINDSTREAM 54.03

Department : 08 - CEMETERY

MULLENAX AUTO SUPPLY 45.99  
NEBRASKA PUBLIC POWER DISTRICT 32.75  
PAYFLEX 6.25  
SHELL FLEET PLUS 80.26  
VERKAMP ENTERPRISES INC 102  
WINDSTREAM 90.67

Department : 10 - FIRE

ALERT-ALL CORPORATION 1440.19  
BLACK HILLS ENERGY 15.78  
FIRST BANKCARD 525.62  
FORT DEARBORN LIFE INSURANCE CO. 178.88  
FOUR STAR LAUNDRY 15.95  
HIGGINS HARDWARE 45.98  
INTERSTATE POWER SYSTEMS INC 1049.31  
KATHRYN SHARP 200

KONICA MINOLTA BUSINESS SOLUTIONS 32.62  
KONICA MINOLTA PREMIER FINANCE 34.98  
NEBRASKA PUBLIC POWER DISTRICT 307.71  
OVERHEAD DOOR COMPANY OF OMAHA 537.5  
PAPILLION SANITATION 14.56

Department : 11 - SENIOR CITIZEN CTR

CIT TECHNOLOGY 313.7  
FOUR STAR LAUNDRY 125.78  
NEBRASKA PUBLIC POWER DISTRICT 1202.75  
OFE OIL INC. 109  
SHOPKO STORES OPERATING CO LLC 231.97  
STEPHEN C. WARGA 72  
STEUBE'S THRIFTWAY 188.2  
THE THOMPSON COMPANY 3788.45

Department : 16 - ECONOMIC DEVELOPMENT

KASS KOUNTY KING KORN KLUB 1000  
OLMSTED & PERRY ENGINEERING 435  
PLATTSMOUTH MAIN STREET ASSOCIATION 5500  
SOUTHEAST NE DEV DISTRICT 54.04

Department : 17 - COMMUNITY CENTER

AQUA CHEM INC 748  
BLACK HILLS ENERGY 144.14  
BODY BASICS INC 43  
BOMGAARS SUPPLY 36.02  
CHARTER BUSINESS 103.04  
ECHO GROUP INC 467.76  
FERGUSON ENTERPRISES 22.85  
FIRST BANKCARD 291.51  
FOUR STAR LAUNDRY 999  
KONICA MINOLTA PREMIER FINANCE 278.83  
MECHANICAL SALES INC 3725  
MICHAEL ANZALONE 240  
NEBRASKA PUBLIC POWER DISTRICT 10824.78  
O'KEEFE ELEVATOR CO INC 160.16  
PAPILLION SANITATION 102.52  
PAYFLEX 6.25  
STEPHEN C. WARGA 18  
VERIZON WIRELESS 62.62  
VOSS LIGHTING 155.02

Department : 18 - AQUATIC

BLACK HILLS ENERGY 19.97  
FERGUSON ENTERPRISES 373.1  
NEBRASKA PUBLIC POWER DISTRICT 238.74  
WINDSTREAM 46.81

Department : 19 - ECONOMIC DEV - DTR PHASE 2

DONALD C MOORE 17850  
GARY OYLER 5670  
ROBERT W HOGUE 3763.65  
WILLIAM L. TOMSON 13510.77

Department : 20 - WATER

BLACK HILLS ENERGY 39.14  
BOMGAARS SUPPLY 141.84  
FLUID CONSERVATION SYSTEMS INC 3535  
GRAINGER 62.85  
HAWKINS INC 1160.22  
HD SUPPLY WATERWORKS LTD 1363.81  
HDR ENGINEERING INC 6375.95  
HIGGINS HARDWARE 40.09  
IMPACT MANUFACTURING 1979.06  
JEFF HENRY CHEVROLET 26.8  
KNIGHT TRUCKING LLC 1355.2  
MENARDS 3.78  
MISSISSIPPI LIME COMPANY 6776  
MUNICIPAL SUPPLY INC 626.65  
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 528  
NEBRASKA PUBLIC POWER DISTRICT 9281.54  
PAYFLEX 6.25  
SCHNEIDER AGENCY 14096.6  
SHELL FLEET PLUS 565.74  
UTILITY EQUIPMENT COMPANY 108.61  
VERIZON WIRELESS 94.56

Department : 24 - DRUG FORFEITURE

VERIZON WIRELESS 54.05

Department : 30 - SEWER

AMERICAN CONCRETE PRODUCTS CO 90  
BLACK HILLS ENERGY 153.21  
BOMGAARS SUPPLY 68.85  
NEBRASKA PUBLIC POWER DISTRICT 2917.9  
OLMSTED & PERRY ENGINEERING 462  
PAPILLION SANITATION 87.63  
SCHNEIDER AGENCY 14096.6  
SHELL FLEET PLUS 444.56  
TELEDYNE ISCO INC 84  
THE FRAZIER COMPANY 203  
VERIZON WIRELESS 31.52

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

#### ITEM 8-UNFINISHED BUSINESS

##### ITEM 8 A

Dean Cole, Nebraska Department of Health and Human Services EMS/Trauma presented the Countywide Emergency Medical Services (EMS) Assessment for Cass County, Nebraska. Also present was Debbie Kuhn, Nebraska Department of Health and Human Services EMS Metro Region Coordinator and Nick Nudell, a member of the Assessment Project Team joined the meeting via telephone. Mr. Cole reviewed the Cass County EMS Assessment highlighting the issues, strengths and weaknesses of the current system and encourage people to be open minded and that it is ultimately about the patient. Cass County has appointed 7 individuals to a committee to evaluate the current EMS systems countywide and make recommendations for the future. The City of Plattsmouth was commended for the action it has taken to insure that EMS service is available 24/7 and response is in a timely manner. Mr. Cole also expressed thanks to Mike Wood, Plattsmouth EMS Director and his staff for doing an outstanding job. City Administrator Erv Portis stated that Mike Wilson, Plattsmouth Fire Chief, was instrumental in getting us where we are today by recognizing the weaknesses within our system. It was stated that volunteerism is a challenge in the rural setting and that the process that Plattsmouth went through to get where they are today was very painful. The County EMS Assessment encourages partnering with other communities within the county to address the emergency medical service issues within Cass County.

##### ITEM 8 B

Council Member Dugan introduced an ordinance numbered and titled as follows: ORDINANCE NO. 1869: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM AGRICULTURAL DISTRICT (AG) TO GENERAL COMMERCIAL DISTRICT (GC) SUBJECT TO MIXED USE OVERLAY DISTRICT 1 (MU-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 Riese, seconded by Tilson to approve third (3<sup>rd</sup>) and final reading of ORDINANCE NO. 1869: AN ORDINANCE TO AMEND THE CITY OF PLATTSMOUTH LAND DEVELOPMENT ORDINANCE BY CHANGING CERTAIN BOUNDARIES FROM AGRICULTURAL DISTRICT (AG) TO GENERAL COMMERCIAL DISTRICT (GC) SUBJECT TO MIXED USE OVERLAY DISTRICT 1 (MU-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 by title only. ROLL CALL: Yes-Porter, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-Kerns and Brookhouser. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read ORDINANCE NO. 1869 in to the record by title only.

ITEM 8 C

Council Member Tilson introduced a resolution numbered and titled as follows: **RESOLUTION NO. 13-057: A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND SCHMIDT TRANSPORTATION, INC., FOR THE DEVELOPMENT OF SCHMIDTS COMMERCIAL, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN CASS COUNTY, NEBRASKA.**

Motion by Tilson, seconded by Porter to adopt RESOLUTION NO. 13-057:

**RESOLUTION NO. 13-057**

**A RESOLUTION TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PLATTSMOUTH, NEBRASKA AND SCHMIDT TRANSPORTATION, INC., FOR THE DEVELOPMENT OF SCHMIDTS COMMERCIAL, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN CASS COUNTY, NEBRASKA.**

WHEREAS, a subdivision of land has been proposed for development which is within the City's zoning jurisdiction; and

WHEREAS, the City has negotiated a Development Agreement with Schmidt Transportation, Inc., with regard to such development.

NOW, THEREFORE, BE IT RESOLVED that the Development Agreement between the City of Plattsmouth, Nebraska and Schmidt Transportation, Inc., related to Schmidt's Commercial, Lots 1 through 2, inclusive, as surveyed, platted and recorded in Cass County, Nebraska is approved and the Mayor is authorized and directed to execute the same upon receipt of a copy executed by all other parties.

BE IT FURTHER RESOLVED that this Resolution is contingent upon approval and recording of a final plat of the property.

PASSED AND APPROVED this 7<sup>TH</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read Resolution No. 13-057 in to the record. After discussion, ROLL CALL: Yes-Wiemer, Derby, Porter, Tilson, Riese and Dugan. No-None. Absent-Kerns and Brookhouser. Abstain-None. MOTION CARRIED.

ITEM 8 D

Steve Perry, Olmsted & Perry Consulting Inc. reviewed the need for Amendment No. 1 to the Engineering Agreement between the City of Plattsmouth and Olmsted & Perry Consulting Engineers

Inc. for preliminary engineering services for the 4<sup>th</sup> Avenue Pavement Reconstruction, 16<sup>th</sup> Street to Hillcrest Drive, NDOR Project No. URB-6404(1) dated July 21, 2009. Mr. Perry stated that the increase in fees is due to Cost-Of-Living. After further discussion, motion by Dugan, seconded by Porter to approve Amendment No. 1 to the Engineering Agreement between the City of Plattsmouth and Olmsted & Perry Consulting Engineers Inc. for preliminary engineering services for the 4<sup>th</sup> Avenue Pavement Reconstruction, 16<sup>th</sup> Street to Hillcrest Drive, NDOR Project No. URB-6404(1) dated July 21, 2009 and authorize the Mayor to execute Amendment No. 1. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns and Brookhouser. Abstain-None. MOTION CARRIED.

8:08 p.m. Council Member Brookhouser arrived.

#### ITEM 8 E

Council Member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-044A: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359.**

Motion by Riese, seconded by Tilson to adopt RESOLUTION NO. 13-044A:

#### **RESOLUTION NO. 13-044A**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA AUTHORIZING THE TEMPORARY USE OF THE STATE HIGHWAY SYSTEM FOR A SPECIAL EVENT SUBJECT TO THE REQUIREMENTS OF THE NEBRASKA REV. STATUTE § 39-1359.**

WHEREAS, the City of Plattsmouth acknowledges and accepts the duties set out in Neb. Rev. Stat. § 39-1359(2) and, if a claim is made against the State, the City shall indemnify, defend and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of a special event.

WHEREAS, a portion of United States Highway 34 also known as Main Street; from 3<sup>rd</sup> Street to 6<sup>th</sup> Street; 3<sup>rd</sup> Street from Main Street to 1<sup>st</sup> Avenue; 6<sup>th</sup> Street from Main Street to 1<sup>st</sup> Avenue, all located within the corporate limits of the City of Plattsmouth.

WHEREAS, the City must notify the Nebraska Department of Roads of a proposed closure of a State Highway or United States Highway under its control and jurisdiction, and the City must agree to indemnify the State of Nebraska.

WHEREAS, the Plattsmouth Chamber of Commerce has requested the closure of US Highway 34, also known as Main Street, from 3<sup>rd</sup> Street to 6<sup>th</sup> Street; 3<sup>rd</sup> Street from Main Street to 1<sup>st</sup> Avenue; and 6<sup>th</sup> Street from Main Street to 1<sup>st</sup> Avenue on October 11, 2013 from 11:00 a.m. to 10:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of

Plattsmouth, Nebraska that, US Highway 34 be closed: Main Street from 3<sup>rd</sup> Street to 6<sup>th</sup> Street; 3<sup>rd</sup> Street from Main Street to 1<sup>st</sup> Avenue; and 6<sup>th</sup> Street from Main Street to 1<sup>st</sup> Avenue on October 11, 2013 from 11:00 a.m. to 10:00 p.m. and that the City of Plattsmouth accepts the duties set out in Neb. Rev. Stat. § 39-1359(2), if a claim is made against the State, the City shall indemnify, defend and hold harmless the State from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of a special event, and so notify the Nebraska Department of Roads.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-044A in to the record. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter and Tilson. No-None. Absent-Kerns. Abstain-Brookhouser. MOTION CARRIED.

#### **ITEM 9 – NEW BUSINESS**

Motion by Riese, seconded by Dugan to have ITEMS 9N, 9O, 9P and 9Q be considered first under NEW BUSINESS. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns. Abstain-Brookhouser. MOTION CARRIED.

#### **ITEM 9 N**

Pursuant to publication Mayor Bowman opened a public hearing at 8:11 p.m. to consider any comments regarding the Application for a Class C Liquor License submitted by Hy-Vee Inc DBA Hy-Vee Food Store 1527. No one spoke. Mayor Bowman closed the public hearing at 8:11 p.m.

#### **ITEM 9 O**

Pursuant to publication Mayor Bowman opened a public hearing at 8:12 p.m. to consider any comments regarding the Application for a Class IK Liquor License submitted by Hy-Vee Inc DBA Hy-Vee Restaurant 1527. No one spoke. Mayor Bowman closed the public hearing at 8:12, p.m.

#### **ITEM 9 P**

Motion by Tilson, seconded by Brookhouser to recommend approval for an application for Class C Liquor License submitted by Hy-Vee Inc DBA Hy-Vee Food Store 1527. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 Q

Motion by Riese, seconded by Porter to recommend approval for an application for Class IK Liquor License submitted by Hy-Vee Inc DBA Hy-Vee Restaurant 1527. ROLL CALL: Yes-Wiemer, Derby, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 A

Council Member Dugan introduced a resolution numbered and titled as follows: **RESOLUTION NO. 13-038A: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 812 CHICAGO AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Riese to adopt RESOLUTION NO. 13-038A:

**RESOLUTION NO. 13-038A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 812 CHICAGO AVENUE, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 812 Chicago Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$1,669.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 812 Chicago Avenue, Plattsmouth, Nebraska 68048 legally described as: Parcel #130393324 PLATTSMOUTH-OAKMONT ESTATES 3<sup>RD</sup> SUBDIV LOT 1 specially benefitted the same in the amount of \$1,669.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than October 23, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before October 23, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-038A in to the record. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter and Brookhouser. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9B

Council member Dugan introduced a resolution numbered and titled: **RESOLUTION NO. 13-039A: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1109 9<sup>TH</sup> AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Wiemer to adopt RESOLUTION NO. 13-039A:

**RESOLUTION NO. 13-039A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1109 9<sup>TH</sup> AVENUE, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 1109 9<sup>th</sup> Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$524.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1109 9<sup>th</sup> Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130019232 PLATTSMOUTH-PATRICIA HEIGHTS ADD LOT A specially benefitted the same in the amount of \$524.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than October 23, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before October 23, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-039A in to the record. ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 C

Council member Dugan introduced a resolution numbered and titled: **RESOLUTION NO. 13-047: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1904 LINCOLN AVE. # 15, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tilson to adopt RESOLUTION NO. 13-047:

**RESOLUTION NO. 13-047**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1904 LINCOLN AVE. # 15, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 1904 Lincoln Ave. #15 failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$2879.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1904 Lincoln Ave. #15, Plattsmouth, Nebraska 68048 legally described as: PARCEL#130001236: **PLATTSMOUTH - OUTLOTS LOT 40 NE1/4 SE1/4 24-12-13 (5)** specially benefitted the same in the amount of \$2879.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County

Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-047 in to the record. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Brookhouser and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 D

Council member Dugan introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-048: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 226 MAIN STREET (EAST LOT), PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tilson to adopt RESOLUTION NO. 13-048:

**RESOLUTION NO. 13-048**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 226 MAIN STREET (EAST LOT), PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 226 Main Street (East Lot) failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$617.29; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 226 Main Street (East Lot), Plattsmouth, Nebraska 68048 legally described as: PARCEL #130004995: **PLATTSMOUTH - OT W102' N1/2 LOT 5 BLK 31~** specially benefitted the same in the amount of \$617.29 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-048 in to the record. ROLL CALL: Yes-Derby, Porter, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 E

Council member Dugan introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-049: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tilson to adopt RESOLUTION NO. 13-049:

**RESOLUTION NO. 13-049**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 415 South 5<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$362.68; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 415 South 5<sup>th</sup> Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130059455: **PLATTSMOUTH - OT N1/2 LOT 7 BLK 62~** specially benefitted the same in the amount of \$362.68 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per

annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-049 in to the record. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 F

Council member Dugan introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-050: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 619 SOUTH 7<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tilson to adopt RESOLUTION NO. 13-050:

**RESOLUTION NO. 13-050**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 619 SOUTH 7<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 619 South 7<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$1024.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 619 South 7<sup>th</sup> Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130002291: **PLATTSMOUTH - OUTLOTS N121.5' OF S246.5' LOTS 55 & 56 SW1/4 SW1/4~18-12-14 (.20)~** specially benefitted the same in the amount of \$1024.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before

November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-050 in to the record. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 G

Council member Dugan introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-051: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 814 MAIN STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Wiemer to adopt RESOLUTION NO. 13-051. Following discussion regarding the wrong total listed on the resolution, Dugan withdrew his motion and Wiemer withdrew her second to adopt Resolution No. 13-051.

Motion by Dugan, seconded by Wiemer to lay over Resolution No. 13-051 to the next regularly scheduled Plattsmouth City Council meeting on October 21, 2013. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter and Brookhouser. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 H

Council member Dugan introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-052: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1108 LINCOLN AVENUE, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Porter to adopt RESOLUTION NO. 13-052:

**RESOLUTION NO. 13-052**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1108 LINCOLN AVENUE, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 1108 Lincoln Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$897.58; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1108 Lincoln Avenue, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130016276: **PLATTSMOUTH - O'NEILL'S ADD LOT 1 EXC S62.82' BLK 9~** specially benefitted the same in the amount of \$897.58 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-052 in to the record. ROLL CALL: Yes-Wiemer, Derby, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 I

Council member Dugan introduced a resolution numbered and titled as follows: **RESOLUTION NO. 13-053: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 124 JAMES STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Tilson to adopt RESOLUTION NO. 13-053:

**RESOLUTION NO. 13-053**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 124 JAMES STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 124 James Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$1299.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 124 James Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130019690: **PLATTSMOUTH - PATRICIA HEIGHTS ADD LOT 51**~ specially benefitted the same in the amount of \$1299.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-053 in to the record. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Brookhouser and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 J

Council member Dugan introduced a resolution numbered and titled as follows: **RESOLUTION NO. 13-054: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Brookhouser to adopt RESOLUTION NO. 13-054:

**RESOLUTION NO. 13-054**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 415 SOUTH 5<sup>TH</sup> STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 415 South 5<sup>th</sup> Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$362.68; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 415 South 5<sup>th</sup> Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130059455: **PLATTSMOUTH - OT N1/2 LOT 7 BLK 62~** specially benefitted the same in the amount of \$362.68 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-054 in to the record. ROLL CALL: Yes-Derby, Porter, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 K

Council member Dugan introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-055: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE**

**LOCATED AT 318 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.**

Motion by Dugan, seconded by Wiemer to adopt RESOLUTION NO. 13-055:

**RESOLUTION NO. 13-055**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 318 HILLCREST DRIVE, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 318 Hillcrest Drive failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$624.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 318 Hillcrest Drive, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130017132: **PLATTSMOUTH - HILLCREST SUBDIV LOT 29~** specially benefitted the same in the amount of \$624.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-055 in to the record. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 L

Council member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 13-056: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**

**PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE  
LOCATED AT 1110 MAIN STREET, PLATTSMOUTH, NEBRASKA.**

Motion by Riese, seconded by Porter to adopt RESOLUTION NO. 13-056:

**RESOLUTION NO. 13-056**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH,  
NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 1110 MAIN  
STREET, PLATTSMOUTH, NEBRASKA.**

WHEREAS, the owner of 1110 Main Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$124.90; and

WHEREAS, evidence was received at a public hearing on the special benefit to the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council finds and determines that the City's abatement of the nuisance at 1110 Main Street, Plattsmouth, Nebraska 68048 legally described as: PARCEL #130008915: **PLATTSMOUTH - YOUNG & HAYS ADD E27.60' OF N65' & E27.60' OF S75'~LOT 6 & S75' VAC ALLEY & S56.75' OF 3.5' OF W19.75' LOT 7 & W9' OF~S75' LOT 7 BLK 29~** specially benefitted the same in the amount of \$124.90 and that said amount is hereby levied against said property which shall be due in a single payment not later than November 26, 2014, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before November 26, 2013, which is fifty days after the date of the public hearing and may be paid within that time without interest. If not paid by said date, interest shall accrue at the rate of seven percent (7%) per annum until paid, and if not paid by the delinquency date, an additional two percent (2%) will be added so the interest shall accrue at the rate of nine percent (9%) per annum until paid.

BE IT FURTHER RESOLVED that the City Clerk certify a copy of this levy to the County Clerk and County Treasurer of Cass County, Nebraska for spreading on the tax records of the County and special assessments shall be collected by the County Treasurer as provided by law.

PASSED AND APPROVED this 7<sup>th</sup> day of October 2013.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Attorney Roger Johnson read RESOLUTION NO. 13-056 in to the record. Following discussion, ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 M

Pursuant to publication, Mayor Bowman opened a public hearing at 8:40 p.m. to consider any comments

regarding the City's potential acquisition, for public purposes, of real estate described as: Part of the Missouri-Pacific Railroad right of way Lying in Block 1, Duke's Addition, Block 6, Young & Hay's Addition and Block 3, Orchard Hill Addition, City of Plattsmouth, Cass County, Nebraska. City Administrator Erv Portis reviewed a memo that was in the Council packet which gave a timeline of events to date. No one else spoke. Mayor Bowman closed the public hearing at 8:42 p.m.

#### ITEM 9 R

Motion by Riese, seconded by Dugan to accept approximately \$32,600.00 of Plattsmouth Industrial Development Corp. (PIDC) funds that will be restricted for Industrial Development. Council discussed how the funds would be accounted for. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter and Brookhouser. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

#### ITEM 9 S

Motion by Riese, seconded by Brookhouser to approve Pay Application No. 6 submitted by Neuvirth Construction Inc. for the Plattsmouth Water Treatment Plant Well House No. 8 Site Improvements in the amount of \$108,684.36 and authorize the Mayor to execute Pay Application No. 6. Following discussion, ROLL CALL: Yes-Wiemer, Derby, Porter, Brookhouser, Tilson, Riese and Dugan. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

#### ITEM 9 T

Motion by Riese, seconded by Derby to approve the lease purchase of two (2) 2013 Ford Police Utility Vehicles from Anderson Ford Lincoln Mercury Mazda of Lincoln, NE at a total purchase price of \$27,409.00 per unit (State Contract Price) over a period of three (3) years with the cost being \$9677.00 per vehicle per year. The rules for using the State Contract, the advantages of a utility vehicle and the size of the vehicles were all discussed. ROLL CALL: Yes-Porter, Brookhouser, Tilson, Riese, Dugan, Wiemer and Derby. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

#### ITEM 9 U

Motion by Riese, seconded by Wiemer to authorize payment of the dues for the 2014 Southeast Nebraska Development District (SENDD) Membership. Council discussed the amount of the dues and that they were a budgeted item. ROLL CALL: Yes-Derby, Porter, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

#### ITEM 9 V

Motion by Wiemer, seconded by Dugan to approve the appointment of Jordan Williams as a new member of the Plattsmouth Volunteer Fire Department. ROLL CALL: Yes-Brookhouser, Tilson, Riese, Dugan, Wiemer, Derby and Porter. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 W

Motion by Riese, seconded by Brookhouser to approve the Plattsmouth Volunteer Fire Department Roster. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Brookhouser, Tilson and Riese. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 X

Motion by Riese, seconded by Derby to approve the appointment of Ken Anderson to the Plattsmouth Housing Authority to fill a vacancy. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Brookhouser and Tilson. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED.

ITEM 9 Y

Mayor Bowman indicated the need for the council to go in to Closed Session to protect the public interest with regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement.

9:06 p.m. Motion by Riese, seconded by Wiemer to convene to Closed Session to protect the public interest with regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement and to include Mike Wood, Plattsmouth EMS Director. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter and Brookhouser. No-None. Absent-Kerns. Abstain-None. MOTION CARRIED. Mayor Bowman again stated that the Closed Session was to protect the public interest with regard to legal contractual and negotiation matters related to the Plattsmouth Rural Fire Board Interlocal Agreement.

9:28 p.m. Motion by Dugan, seconded by Derby to reconvene in to regular session. On a voice vote, MOTION CARRIED.

ITEM 12

9:44 p.m. Motion by Porter, seconded by Tilson to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk