

PLATTSMOUTH CITY COUNCIL  
February 3, 2014

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 3, 2014 at City Hall in Plattsmouth Nebraska. Present were Mayor Michael C. Bowman and Council Members: John R. Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Pat Dugan, Wanda Wiemer and Doug Derby. Council Members Absent: None. Also present: City Administrator Ervin Portis, City Inspector Kevin Larson, 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 5-CITIZEN DELEGATION

Bonnie Wilkerson, 1804 So. 15<sup>th</sup> Street, Plattsmouth-Presented information on a Respite Care Program through the Nebraska Department of Health and Human Services that is looking for volunteers. There is a training class February 22, 2014 for anyone interested.

ITEM 6-MAYORAL PROCLAMATIONS

There were no Mayoral Proclamations.

ITEM 7-CONSENT AGENDA:

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

- A Consider approval of the January 20, 2014 City Council Meeting Minutes
- B Consider recommendation of approval of a Special Designated License filed by Catholic Educators for a Fund Raiser being held at St. John's School Gym, 500 S. 18<sup>th</sup> Street, Plattsmouth on April 28, 2014 from 5:00 p.m. to 12:00 a.m.
- C Consider approval of claims

Claims Register Report  
as of 2/3/2014

Vendor Name Amount

Payroll Claim

Pay Date: 1/24/14  
Com Ctr 9217.41  
EMS 7208.94  
General 15665.96  
Library 6358.26  
Park and Cemetery 2179.2  
Police 32627.51  
Senior 2077.82  
Street 11220.48  
Water and Sewer 13401.33

99956.91

VARIOUS DEPARTMENTS

AMERICAN FAMILY LIFE 665.91  
BLUE CROSS BLUE SHIELD 46265.83  
DELTA DENTAL PLAN 2272.85  
INTERNAL REVENUE SERVICE 116.45  
MUTUAL OF OMAHA 1446.75  
NEBRASKA DEPARTMENT OF REVENUE 23.13  
NPPD 33200.91  
THE UNION CENTRAL LIFE INSURANCE CO 155.02  
UNITED STATES LIFE INSURANCE CO 190.41

Department : 01 - GENERAL ADMINISTRATION

BOMGAARS SUPPLY 46.53  
FIRST BANKCARD 327  
HIGGINS HARDWARE 2.79  
KATHRYN SHARP 125  
LEAGUE OF NEB MUNICIPALITIES 973  
MENARDS 581.65  
OLMSTED & PERRY ENGINEERING 533.26  
PITNEY BOWES INC. 108  
SCHMADER ELECTRIC CO INC 3200  
SHERWIN WILLIAMS 197.74  
SOUTHEAST AREA CLERKS ASSOC 10

Department : 02 - HUMANE/CODE ENFORCEMENT

BOMGAARS SUPPLY 14.1  
HEARTS UNITED 35  
JEFF HENRY CHEVROLET 312.05  
NEBRASKA HUMANE SOCIETY 756

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Department : 03 - EMS

INTERSTATE ALL BATTERY 179.74

KATHRYN SHARP 200  
MATHESON TRI-GAS INC 121.05  
MICHAEL WOOD 284

Department : 04 - POLICE

BOMGAARS SUPPLY 25.76  
BRIDGESTONE AMERICAS INC 423.52  
FIRST BANKCARD 369.95  
JACK'S UNIFORMS & EQUIPMENT 537.69  
JEFF HENRY CHEVROLET 831.25  
LYNN PEAVEY COMPANY 32.1

Department : 05 - STREET

BLACK HILLS ENERGY 759.65  
BOMGAARS SUPPLY 828.98  
FASTENAL COMPANY 17.1  
FIRST BANKCARD 254.66  
JEFF HENRY CHEVROLET 108.48  
MICHAEL TODD & COMPANY INC 501.16  
NEBRASKA SALT & GRAIN CO 4563.5  
OLMSTED & PERRY ENGINEERING 542.5  
TERRY LINDSEY 363.54  
WHITE CAP CONSTRUCTION SUPPLY 187.14

Department : 06 - LIBRARY

AAA SEWER & DRAIN CLEANING CO 125  
BAKER & TAYLOR BOOKS 1143.77  
BLACK HILLS ENERGY 364.96  
CHARTER BUSINESS 16  
FIRST BANKCARD 1568.59  
GALE GROUP INC 54.5  
NEBRASKA LIBRARY COMMISSION 599.75  
SUNSHINE POS 82.39  
THE PENWORTHY CO 136.83  
WINDSTREAM 52.39

Department : 07 - PARK & REC

A & M GREEN POWER 1492.22  
BLACK HILLS ENERGY 344.07  
BOMGAARS SUPPLY 34.16  
IOWA PRISON INDUSTRIES 333.8

Department : 08 - CEMETERY

NEBRASKA PUBLIC POWER DISTRICT 85.55  
PRUITT OUTDOOR POWER 10.92

Department : 10 - FIRE

ERIC GRIMSHAW 18.33  
FELD FIRE 145.2  
FIREBLADE LASER ENGRAVERS LLC 1523.21  
FIRST BANKCARD 256.85  
FORT DEARBORN LIFE INSURANCE CO. 185.76

JACK'S UNIFORMS & EQUIPMENT 519.99  
KATHRYN SHARP 200  
SCHMIDT TRANSPORTATION 2293.11

Department : 11 - SENIOR CITIZEN CTR  
AUDIO VIDEO SOLUTIONS 650  
BLACK HILLS ENERGY 470.57  
FOUR STAR LAUNDRY 125.06

Department : 16 - ECONOMIC DEVELOPMENT  
OLMSTED & PERRY ENGINEERING 337.5

Department : 17 - COMMUNITY CENTER  
ANDERSON ELECTRIC & PUMP SUPPLY 569  
AQUA CHEM INC 160  
BELNICK INC 1367.44  
BLACK HILLS ENERGY 4235.16  
BSN SPORTS INC 364.6  
DIANA BURNELL 25  
FASTENAL COMPANY 1.33  
FIRST BANKCARD 75  
FISERV 187.5  
FOUR STAR LAUNDRY 677.5  
GREENLIFE GARDENS 180  
HYPE INITIATIVES INC 392.13  
NOVA FITNESS EQUIPMENT 1399.42  
THE THOMPSON COMPANY 232.6

Department : 18 - AQUATIC  
BLACK HILLS ENERGY 20.3  
WINDSTREAM 47.17

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Department : 20 - WATER  
AMERICAN UNDERGROUND SUPPLY LLC 246.75  
AMERICAN WATER WORKS ASSOC 174  
BLACK HILLS ENERGY 446.02  
BOMGAARS SUPPLY 193.98  
DHHS 90  
DPC INDUSTRIES INC 528.75  
HACH COMPANY 171.07  
HD SUPPLY WATERWORKS LTD 722.28  
HIGGINS HARDWARE 12.82  
IOWA PRISON INDUSTRIES 603  
MISSISSIPPI LIME COMPANY 3698.95  
PAYLESS OFFICE PRODUCTS 22.89  
SCHONSTEDT INSTRUMENT CO 303.79  
TRANSWOOD LOGISTICS INC 866.47  
UNITED STATES POST OFFICE 100  
WHITE CAP CONSTRUCTION SUPPLY 55.33

Department : 30 - SEWER  
BLACK HILLS ENERGY 1306.66  
BOMGAARS SUPPLY 282.38

THE FRAZIER COMPANY 697  
TILSON AUTOMOTIVE 716  
UNITED STATES POST OFFICE 100  
USA BLUEBOOK 143.94  
WASTECORP PUMPS LLC 2955

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

#### ITEM 8-UNFINISHED BUSINESS

##### ITEM 8 A

Council Member Riese introduced an Ordinance numbered and titled as follows: **ORDINANCE NO. 1873: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, BY AMENDING CHAPTER 7, ARTICLE 1, SECTION 7-115 ENTITLED "LIEN"; 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 third (3<sup>rd</sup>) and final reading of **ORDINANCE NO. 1873: AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA TO AMEND THE PLATTSMOUTH REVISED MUNICIPAL ORDINANCES 2011, BY AMENDING CHAPTER 7, ARTICLE 1, SECTION 7-115 ENTITLED "LIEN"; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE** by title only. ROLL CALL: Yes-Brookhouser, Riese, Dugan, Wiemer, Derby, Porter and Kerns. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED. City Attorney Roger Johnson read Ordinance No. 1873 in to the record by title only.

#### ITEM 9-NEW BUSINESS

##### ITEM 9 A

Council Member Riese introduced a resolution numbered and titled as follows: **RESOLUTION NO. 14-008: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA CONSENTING TO THE SEPARATE OWNERSHIP OF THAT CERTAIN REAL ESTATE KNOWN AS LOT 5 DANA SUBDIVISION AND LOT 11, ORIGINAL TOWN OF PLATTSMOUTH**

Motion by Riese, seconded by Dugan to adopt RESOLUTION NO. 14-008 by title only:

#### **RESOLUTION NO. 14-008**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA CONSENTING TO THE SEPARATE OWNERSHIP OF THAT CERTAIN REAL ESTATE KNOWN AS LOT 5 DANA SUBDIVISION AND LOT 11, ORIGINAL**

**TOWN OF PLATTSMOUTH.**

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

WHEREAS the developer included a covenant applicable to Dana Subdivision as follows: "Lot 5 'Dana subdivision' is to be considered as attached to Lot 11 'Young and Hayes Add.' and as such can never be deeded separately from Lot 11 without the express permission and approval of the Plattsmouth City Council"; and,

WHEREAS the developer incorrectly described Lot 11 as in 'Young and Hayes Add.'" but the correct legal description of Lot 11, Block 138 is in Original Town; and,

WHEREAS the City Council has considered the requirement for tied ownership.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby grants express permission and approval for the separate ownership of Lot 5 'Dana subdivision' and Lot 11, Block 138, Original Town of Plattsmouth such that the same may be deeded separately from each other and be owned by different persons.

PASSED AND APPROVED this 3<sup>RD</sup> day of February 2014.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

Bill Reinsch, Attorney for the said property owners stated that adoption of Resolution No. 14-008 will clear the record. City Attorney Roger Johnson read RESOLUTION NO. 14-008 in to the record by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Wiemer, Derby, Porter, Kerns and Brookhouser. No-None. Absent-None. Abstain-None. MOTION CARRIED.

**ITEM 9 B**

Motion by Dugan, seconded by Derby to approve the request of Russell, Kimberly, and Maxwell Kathol to waive the due-on-sale provisions of the Loan/Grant Agreement executed by Maxwell Kathol for a façade improvement loan at 122 South 6<sup>th</sup> Street, to release Russell and Kimberly Kathol from all personal guarantees, approve the Assignment of the April 29, 2013 Promissory Note from Maxwell Kathol (Assignor) to One World Community Health Centers, Inc. (Assignee), contingent upon recordation of a deed from Russell Kathol and Kimberly Kathol granting title to the property to OneWorld Community Health Centers, Inc.; and authorize the Mayor to execute the Consent to Assignment. ROLL CALL: Yes-Riese, Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser and Tilson. No-None. Absent-None. Abstain-None. MOTION CARRIED.

## ITEM 9 C

City Administrator Erv Portis updated the Mayor and Council on the closure of Main Street due to the January 2/3, 2014 fire at 4<sup>th</sup> and Main. He stated that it has been a month since the fire; a portion of Main Street was closed for safety reasons due to the fire; engineers have assessed the property affected by the fire; and the insurance companies involved are not communicating with the city. Portis reviewed a map showing current fencing and proposed fencing which would open Main Street to through traffic. Business owners have contacted the City Administrator stating that the Main Street closure has negatively affected their businesses. Nebraska Department of Roads prefers one-way traffic on Main Street in the area of the fire at 4<sup>th</sup> and Main so one-way eastbound traffic is proposed. The one-way eastbound traffic proposal will limit parking but will allow access to all businesses. City Attorney Roger Johnson recommended an executive session for the protection of the public interest related to legal advice regarding litigation options concerning the lack of progress with the clean-up of the fire damaged properties on Main Street.

Motion by Kerns, seconded by Brookhouser to convene in closed session to protect the public interest related to legal advice regarding litigation options concerning the lack of progress with the clean-up of the fire damaged properties on Main Street.

Council Member Kerns amended his motion as follows: convene in closed session to protect the public interest related to legal advice regarding litigation options concerning the lack of progress with the clean-up of the fire damaged properties on Main Street following Item 10: City Administrator Communication and Item 11: Mayor and City Council Communication, which amended motion was seconded by Brookhouser. ROLL CALL: Yes-Dugan, Wiemer, Derby, Porter, Kerns, Brookhouser, Tilson and Riese. No-None. Absent-None. Abstain-None. MOTION CARRIED.

One-way options for traffic on Main Street were further discussed. Debris fall-out areas if the wall/walls were to fall were reviewed. Portis stated that after talking with the engineers it is felt that the risk is minimal. The impact of the fire damaged properties on the entertainment plaza was also discussed.

Motion by Kerns, seconded by Derby to proceed with the plan to open Main Street to one-way traffic. ROLL CALL: Yes-Wiemer, Derby, Porter, Kerns, Brookhouser, Riese and Dugan. No-Tilson. Absent-None. Abstain-None. MOTION CARRIED.

7:46 p.m. Mayor Bowman convened the council to closed session to protect the public interest related to legal advice regarding litigation options concerning the lack of progress with the clean-up of the fire damaged properties on Main Street. While the Council Chambers was cleared, Mayor Bowman again stated that the Council would convene in executive session to protect the public interest related to legal advice regarding litigation options concerning the lack of progress with the clean-up of the fire damaged properties on Main Street.

8:29 p.m. Motion by Porter, seconded by Kerns to reconvene to regular session. ROLL CALL: Yes-Derby, Porter, Kerns, Brookhouser, Tilson, Riese, Dugan and Wiemer. No-None. Absent-None. Abstain-None. MOTION CARRIED.

ITEM 12

8:54 p.m. Motion by Porter, seconded by Kerns to adjourn. MOTION CARRIED on a voice vote.

/s/Michael C. Bowman, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk