

PLATTSMOUTH CITY COUNCIL

November 7, 2016

A meeting of the City Council of the City of Plattsmouth, Nebraska was convened in open and public session at 7:05 o'clock p.m. on November 7, 2016 at Plattsmouth City Hall in Plattsmouth Nebraska. Present were Mayor R. Paul Lambert and Council Members: John Porter, Terry Kerns, Jeanie Brookhouser, Terry D. Tilson, Steve Riese, Joe Dugan and Doug Derby. Council Members Absent: Wanda Wiemer. Also present: City Administrator Ervin Portis, City Inspector Kevin Larson and City Attorney Larry Welch Jr.

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-CITIZEN DELEGATION

No one spoke at Citizen Delegation.

ITEM 5-MAYORAL PROCLAMATIONS

Mayor Lambert proclaimed October 30, 2016 as "Martha McQuin Day" commemorating her 100th Birthday.

ITEM 6 CONSENT AGENDA

Motion by Brookhouser, seconded by Tilson to approve the Consent Agenda as presented:

- A Consider approval of the October 17, 2016 City Council Meeting Minutes
- B Consider approval of claims

Claims Register Report as of 11/7/16

Dept Name / Vendor Name Amount

Pay Date: 10/28/16
Com Ctr 9159.61
EMS 8497.14
General 14121.91
Library 7723.91

Parks and Cemetery 4572.8
Police 35248.6
Senior 2389.44
Street 11983.63
Water and Sewer 13684.73

107381.77

Various

AMERICAN FAMILY LIFE 629.12
AMERITAS 14113.1
AMERITAS LIFE INSURANCE CORP 155.02
BLUE CROSS BLUE SHIELD 61962.73
CENTRAL UNITED LIFE INSURANCE 265.44
COLLECTION SERVICES CENTER 280.8
DELTA DENTAL PLAN 2692.9
FRATERNAL ORDER OF POLICE 180
INTERNAL REVENUE SERVICE 25838.73
MUTUAL OF OMAHA 793.85
NEBRASKA DEPARTMENT OF REVENUE 3495.49
NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 11817.53
PLATTSMOUTH COMMUNITY CENTER 21.4
PLATTSMOUTH STATE BANK 720.01

Department : 01 - GENERAL ADMINISTRATION

BLACK HILLS ENERGY 125.61
CASS COUNTY COURT 17
CASS COUNTY REGISTER OF DEEDS 10
CHARLES S SCHREIBER 997.93
CHARTER BUSINESS 177.63
EGAN SUPPLY CO 153.99
FIRST BANKCARD 1522.51
INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION 832.38
KATHRYN SHARP 125
KONICA MINOLTA BUSINESS SOLUTIONS 146.07
KONICA MINOLTA PREMIER FINANCE 249
MICROFILM IMAGING SYSTEMS 75
OFFICE DEPOT INC 155.94
PAYLESS OFFICE PRODUCTS 194.88
PETTY CASH CITY 200
PITNEY BOWES INC 105
SHELL FLEET PLUS 33.49
SOFTCHOICE CORPORATION 732.13
WELCH LAW FIRM LLC 6000
WESTSIDE DEVELOPMENT INC AND JONES NATIONAL BANK 67989.98

Department : 02 - HUMANE/CODE ENFORCEMENT

DEBRA S FLAHERTY 242

SHELL FLEET PLUS 111.05

Department : 03 - EMS

ALADTEC INC 1565

BLACK HILLS ENERGY 18.21

BOUND TREE MEDICAL LLC 2019.46

EGAN SUPPLY CO 135.15

FIRST BANKCARD 106.67

FIRST WIRELESS 196.35

FORT DEARBORN LIFE INSURANCE CO 99.76

FOUR STAR LAUNDRY AND LINEN SUPPLY INC 11.39

IDEAL PURE WATER 43.71

IMAGE TREND 712.5

INTERSTATE INDUSTRIAL SERVICE 240.75

KONICA MINOLTA BUSINESS SOLUTIONS 17.54

KONICA MINOLTA PREMIER FINANCE 38.5

MATHESON TRI-GAS INC 403.14

METRO BILLING SERVICES LLP 1660

OREILLY AUTOMOTIVE INC 32.99

OVERHEAD DOOR COMPANY OF OMAHA 106.65

REBECCA L GRAF 30

SHELL FLEET PLUS 311.09

WALKERS INC 13.87

WINDSTREAM 174.99

Department : 04 - POLICE

CASS COUNTY REGISTER OF DEEDS 46

DEBRA S FLAHERTY 763

FIRST BANKCARD 15

INTERNATIONAL ASSOCIATION FOR PROPERTY AND EVIDENCE INC 375

JACKS UNIFORMS & EQUIPMENT 75.94

KAHLER CONSTRUCTION 730

KONICA MINOLTA BUSINESS SOLUTIONS 19.91

KONICA MINOLTA PREMIER FINANCE 154

MJN INC 300

REID RICHTER 59.23

SHELL FLEET PLUS 1315.94

THOMAS & MEANS LAW FIRM LLP 400

VIEVU LLC 34

Department : 05 - STREET

ASP ENTERPRISES INC 102

BGNE INC 182.8

BLACK HILLS ENERGY 63.24

BOMGAARS SUPPLY 2.04

FASTENAL COMPANY 96.35

FIRST BANKCARD 378

LINDER TIRE & AUTO INC 2496.04

LYMAN RICHEY CORPORATION 2779.08
LYMAN RICHEY SAND & GRAVEL CO 4258.67
NEBRASKA IOWA SUPPLY CO INC 2099.3
NEBRASKA SALT & GRAIN CO 6807.91
OLMSTED & PERRY ENGINEERING 10305.51
SHELL FLEET PLUS 591.74
WOODHOUSE FORD SOUTH INC 425.96

Department : 06 - LIBRARY
APOLLO REFRIGERATION & HEATING SYSTEMS 193.75
BAKER & TAYLOR BOOKS 2363.55
BLACK HILLS ENERGY 23.92
CENTER POINT LARGE PRINT 222.9
FIRST BANKCARD 1635.94
GAYLORD BROS INC 34.35
KIRSTEN WOOD 43.75
KONICA MINOLTA PREMIER FINANCE 154
THE PENWORTHY CO 184.66

Department : 07 - PARKS
BLACK HILLS ENERGY 24.54
BNSF RAILROAD COMPANY 5
BOMGAARS SUPPLY 96.07
CHARTER BUSINESS 33.91
EGAN SUPPLY CO 269.17
FOR HIRE LLC 400
PETTY CASH CITY 10
SHELL FLEET PLUS 188.05

Department : 08 - CEMETERY
JUSTIN A MARSH 159.27
MENARDS 49.95
NEBRASKA PUBLIC POWER DISTRICT 29.8
SHELL FLEET PLUS 80.59
WINDSTREAM 109.59

Department : 10 - FIRE
BLACK HILLS ENERGY 18.21
FIRST BANKCARD 1030
FORT DEARBORN LIFE INSURANCE CO 165.12
FOUR STAR LAUNDRY AND LINEN SUPPLY INC 11.4
FRONT RANGE FIRE APPARATUS 551.27
IDEAL PURE WATER 43.71
KONICA MINOLTA BUSINESS SOLUTIONS 17.53
KONICA MINOLTA PREMIER FINANCE 38.5
OVERHEAD DOOR COMPANY OF OMAHA 106.65
PENGUIN MANAGEMENT INC 1548
WALKERS INC 13.88

WINDSTREAM 174.99

Department : 11 - SENIOR CITIZEN CTR

BLACK HILLS ENERGY 67.87

PRO CHRYSLER DODGE JEEP RAM 245.43

STRATUS BUILDING SOLUTION OF ARIZONA 219

Department : 12 - DEBT SERVICE

PLATTSMOUTH STATE BANK 4730026.25

Department : 16 - ECONOMIC DEVELOPMENT

OLMSTED & PERRY ENGINEERING 2745.5

PLATTSMOUTH CHAMBER OF COMMERCE 2000

Department : 17 - COMMUNITY CENTER

AQUA CHEM INC 250

BLACK HILLS ENERGY 610.86

BOMGAARS SUPPLY 12.58

EGAN SUPPLY CO 220.91

FIRST BANKCARD 510.97

KONICA MINOLTA PREMIER FINANCE 154

KS STATEBANK 1048

NEBRASKA AIR FILTER INC 301.79

PLATTSMOUTH COMMUNITY CENTER 240

SOFTCHOICE CORPORATION 537.87

STRATUS BUILDING SOLUTION OF ARIZONA 1870

WALKERS INC 86.4

Department : 18 - AQUATIC

BLACK HILLS ENERGY 22.04

CHARTER BUSINESS 33.91

Department : 19 - ECONOMIC DEV - DTR PHASE 2

LYNN F REHMEIER 14000

Department : 20 - WATER

AMERICAN UNDERGROUND SUPPLY LLC 162.75

BLACK HILLS ENERGY 55.45

BOMGAARS SUPPLY 112.71

DPC INDUSTRIES INC 610

DUGAN BUSINESS FORMS 86.1

EGAN SUPPLY CO 68.9

HD SUPPLY FACILITIES MAINTENANCE LTD 286.29

HD SUPPLY WATERWORKS LTD 2905.88

JEFF HENRY CHEVROLET 333.27

MENARDS 34.86

MISSISSIPPI LIME COMPANY 3868.5

MUNICIPAL SUPPLY INC 1505.88

NEBRASKA DEPARTMENT OF REVENUE (SALES TAX) 6754.15
NEBRASKA PUBLIC HEALTH ENVIRONMENTAL LAB 946
NEBRASKA PUBLIC POWER DISTRICT 6404.99
OLMSTED & PERRY ENGINEERING 2520.75
PETTY CASH WATER DEPARTMENT 457.85
ROLLET BROS LOGISTICS INC 658.42
SCOTT R CUNDALL 214
SEI SECURITY EQUIPMENT 360
SHELL FLEET PLUS 383.78
SHERWIN WILLIAMS 150.81
TYLER TECHNOLOGIES 90
WATER & SEWER DEPARTMENT 566.42
WELCH LAW FIRM LLC 2000
WINDSTREAM 50.32

Department : 24 - DRUG FORFEITURE
JEFF HENRY CHEVROLET 400

Department : 30 - SEWER
AMERICAN UNDERGROUND SUPPLY LLC 446.26
BLACK HILLS ENERGY 313.31
BOMGAARS SUPPLY 259.79
DUGAN BUSINESS FORMS 86.1
DXP ENTERPRISES INC 267.55
FASTENAL COMPANY 63.07
FIRST BANKCARD 425.3
HD SUPPLY FACILITIES MAINTENANCE LTD 63.06
JUSTIN A MARSH 392.54
MUNICIPAL SERVICE & SUPPLY 965
NDEQ - FISCAL SERVICES 150
NEBRASKA PUBLIC POWER DISTRICT 2324.49
SHELL FLEET PLUS 479.83
TYLER TECHNOLOGIES 90
UTILITIES SECTION LEAGUE OF NEB MUNICIPALITIES 135
WASTE CONNECTIONS OF NEBRASKA INC 50.17
WELCH LAW FIRM LLC 2000
WINDSTREAM 53.14

Department : 40 - PLATTSMOUTH KENO
NEBRASKA DEPARTMENT OF REVENUE CHARITABLE GAMING DIVISION 10767

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

ITEM 7-UNFINISHED BUSINESS

ITEM 7 A

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 2 (Final) submitted by Oldcastle Materials Midwest for the Livingston Road Phase IV - Project Contract No. 1 in the amount of \$(-)4,391.86 for a total project cost of \$364,515.49. Motion by Kerns, seconded by Brookhouser to approve Change Order No. 2 (Final) submitted by Oldcastle Materials Midwest for the Livingston Road Phase IV - Project Contract No. 1 in the amount of \$(-)4,391.86 for a total project cost of \$364,515.49 and authorize the Mayor to execute Change Order No.2. ROLL CALL: Yes-Derby, Tilson, Kerns, Dugan, Porter, Brookhouser and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 7 B

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 2 submitted by Oldcastle Materials Midwest Co. in the amount of \$226,007.90 for the Livingston Road Phase IV Project- Contract No. 1. Motion by Riese, seconded by Dugan to approve Contractor's Application for Payment No. 2 submitted by Oldcastle Materials Midwest Co. in the amount of \$226,007.90 for the Livingston Road Phase IV Project- Contract No. 1; and authorize the Mayor to execute Pay Application No. 2. ROLL CALL: Yes-Tilson, Kerns, Porter, Derby, Riese, Brookhouser and Dugan. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 7 C

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No. 3 (Final Retainage) submitted by Oldcastle Materials Midwest Co. in the amount of \$36,451.55 for the Livingston Road Phase IV Project-Contract No. 1. Motion by Brookhouser, seconded by Derby to approve Contractor's Application for Payment No. 3 (Final Retainage) submitted by Oldcastle Materials Midwest Co. in the amount of \$36,451.55 for the Livingston Road Phase IV Project-Contract No. 1; and authorize the Mayor to execute Pay Application No. 3 (Final Retainage). ROLL CALL: Yes-Riese, Dugan, Tilson, Brookhouser, Porter, Kerns and Derby. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 7 D

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Change Order No. 1 (Final) submitted by Midwest Fence Company - Guardrail Systems Inc. for the Livingston Road Phase IV Project- Contract No. 2 in the amount of \$(-)1,219.00 for a total project cost of \$106,925.00. Motion by Brookhouser, seconded by Kerns to approve Change Order No. 1 (Final) submitted by Midwest Fence Company - Guardrail Systems Inc. for the Livingston Road Phase IV Project- Contract No. 2 in the amount of \$(-)1,219.00 for a total project cost of \$106,925.00; and authorize the Mayor to execute Change Order No.1. ROLL CALL: Yes-Brookhouser, Kerns, Tilson, Riese, Derby, Dugan and Porter. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 7 E

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed Contractor's Application for Payment No.3 submitted by Midwest Fence- Guardrail Systems in the amount of \$61,835.00 for the Livingston Road Phase IV Project Contract No. 2. Motion by Riese, seconded by Dugan to approve Contractor's Application for Payment No.3 submitted by Midwest Fence- Guardrail Systems in the amount of \$61,835.00 for the Livingston Road Phase IV Project Contract No. 2 ; and authorize the Mayor to execute Pay Application No. 3. ROLL CALL: Yes-Derby, Tilson, Porter, Dugan, Riese, Brookhouser and Kerns. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 7 F

Council member Kerns stated that he would be abstaining from any discussion or action on the item as he has a conflict of interest.

Steve Perry PE, Olmsted & Perry Consulting Engineers Inc. reviewed the First Amendment to the Agreement for Wastewater Services between the City of Plattsmouth and Omaha Tank Wash, LLC; contingent on execution of the First Amendment by Omaha Tank Wash, LLC and referenced the flow rate and the state regulations. Erv Portis, City Administrator stated that the client has approved the amendment. Motion by Brookhouser, seconded by Porter to approve the First Amendment to the Agreement for Wastewater Services between the City of Plattsmouth and Omaha Tank Wash, LLC; contingent on execution of the First Amendment by Omaha Tank Wash, LLC and authorize the Mayor to execute the First Amendment to the Agreement. ROLL CALL: Yes-Riese, Brookhouser, Tilson, Porter, Derby and Dugan. No-None. Absent-Wiemer. Abstain-Kerns. MOTION CARRIED.

ITEM 7 G

Pursuant to publication, Mayor Lambert opened a public hearing at 7:19 p.m. to hear and consider public comments regarding the annexation of property legally described as: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET;THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4 KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4;THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER;THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI

RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERSECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES MORE OR LESS.

No one spoke, and Mayor Lambert closed the public hearing at 7:20 p.m.

ITEM 8-NEW BUSINESS

ITEM 8 A

Erv Portis, City Administrator presented ORDINANCE NO. 1911A with revisions and reviewed the revisions.

Council member Riese introduced an ordinance numbered and titled as follows: Ordinance No. 1911A: **AN ORDINANCE OF THE CITY OF PLATTSMOUTH, NEBRASKA ANNEXING CERTAIN LANDS ADJACENT TO THE CITY OF PLATTSMOUTH, NEBRASKA AND DEFINING THE BOUNDARIES THEREOF AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF THE SOUTH R.O.W. OF 1ST AVENUE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE EASTERLY ON THE EXTENDED SOUTH R.O.W. OF 1ST AVENUE TO THE INTERSECTION OF THE SOUTHERLY EXTENDED WEST LINE OF KIM SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHERLY ALONG THE WEST LINE OF KIM SUBDIVISION TO THE NORTHWEST CORNER OF LOT 4 OF KIM SUBDIVISION; THENCE EASTERLY ALONG THE NORTH LINE OF LOT 4**

KIM SUBDIVISION TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EAST LINE OF LOT 4 OF KIM SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY TO A POINT ON THE EAST R.O.W. OF RIVER ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED BOOK 118 PAGE 661 CASS COUNTY REGISTER OF DEEDS; THENCE SOUTHEASTERLY ALONG THE SOUTH LINE OF AFORESAID TRACT OF LAND TO THE WEST BANK OF THE MISSOURI RIVER; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE SOUTHEAST CORNER OF LOT 23 OF CASTAWAY COTTAGES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF THE AFORESAID LOT 23 TO THE SOUTHEAST CORNER OF OUTLOT 1 OF CASTAWAY ESTATES SUBDIVISION, A PLATTED SUBDIVISION IN CASS COUNTY NEBRASKA; THENCE NORTHEASTERLY ALONG THE EAST LINE OF AFORESAID OUTLOT 1 TO THE NORTHEAST CORNER OF SAID OUTLOT 1; THENCE NORTHEASTERLY ALONG THE WEST BANK OF THE MISSOURI RIVER TO THE NORTHEAST CORNER OF A TRACT OF LAND AS DESCRIBED IN DEED BOOK 141 PAGE 82 CASS COUNTY REGISTER OF DEEDS, ALSO KNOWN AS THE PLATTSMOUTH BOAT LAUNCH AREA, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE NORTHWESTERLY ALONG SAID NORTH LINE OF THE AFORESAID TRACT OF LAND TO THE NORTHWEST CORNER OF SAID TRACT; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID TRACT TO THE INTERSECTING NORTH R.O.W. LINE OF THE RELOCATION OF DOCK ROAD DESCRIBED IN MISC. BOOK 54 PAGE 241 CASS COUNTY REGISTER OF DEEDS; THENCE ALONG THE NORTH R.O.W. LINES OF DOCK ROAD AND NORTH LINES OF EAST MAIN STREET TO THE INTERSECTION OF SAID NORTH R.O.W. LINES AND THE INTERSECTING EAST LINE OF THE BNSF RAILROAD R.O.W., THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF THE BNSF RAILROAD R.O.W. TO A POINT OF INTERSECTION WITH THE SOUTH R.O.W. LINE OF EAST MAIN STREET; THENCE EASTERLY ALONG THE SOUTH R.O.W. LINE OF EAST MAIN STREET TO THE INTERSECTION OF SAID SOUTH R.O.W. LINE AND THE EAST R.O.W. LINE OF 1ST STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W. LINE OF 1ST STREET TO THE POINT OF BEGINNING. SAID DESCRIBED PARCEL CONTAINS 82.6 ACRES MORE OR LESS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND TO PROVIDE AN EFFECTIVE DATE.

Motion by Riese, seconded by Dugan that Ordinance No. 1911A be adopted on first reading by title only as presented. ROLL CALL: Yes-Kerns, Tilson, Dugan, Derby, Porter, Brookhouser and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED. Erv Portis, City Administrator read ORDINANCE NO. 1911A in to the record by title only.

ITEM 8 B

Council member Kerns stated that he would be abstaining from any discussion or action on this item due to a conflict of interest.

Erv Portis, City Administrator pointed out new information that was provided at the meeting. Motion by Riese, seconded by Porter to approve a request to the Nebraska Department of Economic Development (NDED) to extend the contract terms on Community Development Block Grant 14CIS004, street, drainage and water improvements, beyond November 1, 2016, as provided in §1.02 Time of Performance, in the agreement between NDED and the City of Plattsmouth. ROLL CALL: Yes-Porter, Tilson, Dugan, Riese, Brookhouser and Derby. No-None. Absent-Wierner. Abstain-Kerns. MOTION CARRIED.

ITEM 8 C

Pursuant to publication, Mayor Lambert opened a public hearing at 7:29 p.m. to hear and consider public comments regarding the Application for Class CK Liquor License submitted by The Smokehouse Tavern LLC d/b/a Smokehouse Tavern, 542 Main Street, Suites B & C, Plattsmouth NE. No one spoke, and Mayor Lambert closed the public hearing at 7:30 p.m.

ITEM 8 D

Motion by Porter, seconded by Brookhouser to give a favorable recommendation to the Nebraska Liquor Control Commission regarding an application submitted by The Smokehouse Tavern, 542 Main Street, Suites B & C, Plattsmouth NE 68048 for a Class CK Liquor License as provided for by the Nebraska Liquor Control Act for the following described location: 542 Main Street, Suites B & C, Plattsmouth, Cass County, Nebraska. ROLL CALL: Yes-Dugan, Brookhouser, Porter, Kerns, Derby, Riese and Tilson. No-None. Absent-Wierner. Abstain-None. MOTION CARRIED.

ITEM 8 E

Pursuant to publication, Mayor Lambert opened a public hearing at 7:32 p.m. to hear and consider public comments regarding a request for a special use permit (kennel) in a RR (Rural Residential) District by Brenda Carroll on property located at 3317 Horning Road, legally described as 32-12-14 Lot 11 NW1/4 NE/14. Brenda Carroll, applicant for the Special Use Permit spoke. No one else spoke, and Mayor Lambert closed the public hearing at 7:33 p.m.

ITEM 8 F

Council member Riese introduced a resolution numbered and titled as follows: RESOLUTION NO. 16-032: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO GRANT A SPECIAL USE PERMIT FOR A KENNEL IN A RURAL RESIDENTIAL (RR) ZONING DISTRICT. Erv Portis, City Administrator stated to there is a correction in the legal description.

Motion by Riese, seconded by Kerns to adopt RESOLUTION NO. 16-032, as amended, by title only:

RESOLUTION NO. 16-032

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA TO GRANT A SPECIAL USE PERMIT FOR A KENNEL IN A RURAL RESIDENTIAL (RR) ZONING DISTRICT.

WHEREAS, an application has been made for a special use permit for the operation of a kennel in a Rural Residential (RR) zoning district by Brenda Carroll, on property located at 3317 Horning Road, legally described as Lot 11 in the NW ¼ of the NE ¼ of Section 32, Township 12, Range 14E of the 6th P.M., Cass County, NE;

WHEREAS, the Planning Commission of the City of Plattsmouth conducted a public hearing on October 20, 2016 and has recommended approval of said special use permit with conditions; and

WHEREAS, the Mayor and City Council have conducted a public hearing on the application during the November 7, 2016 City Council meeting.

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

1. LAND USE COMPATIBILITY

a. Development Density – Development density of the site is similar to other RR properties in the area. The building currently serving as the main portion of the kennel is a 30' x 52' barn that is over 500 feet from Horning Road. No changes to the existing building's footprint or adjacent fenced areas are proposed. Allowable building coverage in a RR zoning district is 30 percent.

2. HEIGHT AND SCALE

a. Height and Bulk - Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations. All accessory buildings on the site are single-story structures, while the house is an A-frame structure. All structures meet the requirements for a RR zoning district.

b. Setbacks - Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics. Required setbacks in a RR zoning district are: front yard, 50 feet, side yard, 25 feet, rear yard, 35 feet. The kennel structure is 100 feet from the south property line, over 100 feet to the east property line, 500 feet to the west property line, and over 500 feet from the north property line. The nearest homes are 800 feet to the south, 750 feet to the west, 850 feet to the east, and 800 feet to the north.

c. Building Coverage - Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities. The house, a detached garage, the barn and two sheds total approximately 6000 square feet of

building coverage. On the ten acre tract, this amounts to approximately 1.4 percent building coverage. Maximum building coverage in a RR zoning district is 30 percent.

3. SITE DEVELOPMENT

a. Frontage - Project frontage along a street should be similar to lot width. The property has approximately 640 feet of frontage on Horning Road. Access to the site is provided by a gravel driveway which is adequate for public safety vehicles.

b. Parking and Internal Circulation - Parking should serve all structures with minimal conflicts between pedestrians and vehicles. Parking is provided by a gravel parking lot between the house and barn, and in a three-car detached garage. There will be no parking on dedicated roads, minimizing conflicts between pedestrians and vehicles.

c. All structures must be accessible to public safety vehicles – Access to the site is provided by a gravel driveway with adequate access for public safety vehicles.

d. Development must have access to adjacent public streets and ways - The property's rock driveway accesses Horning Road, a publicly dedicated rock road.

e. Internal circulation should minimize conflicts and congestion at public access points – Sufficient on site space exists to accommodate any parked vehicles and still allow turning ingress and egress to the site.

f. Landscaping - Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of the site with sensitive environmental features or natural drainage ways should be preserved. The western portion of the site is wooded and the remainder of the site is (approximately seven acres) is farm ground.

4. BUILDING DESIGN

a. Architectural design and building materials should be compatible with surrounding areas or highly visible locations - The home and detached garage are of conventional design and construction, and are sided and painted in a manner similar to other homes in the development.

5. OPERATING CHARACTERISTICS

a. Traffic Capacity - Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations. No infrastructure improvements are necessary to accommodate the permitted use. According to the application, monthly customer traffic ranges between two and ten, generally evenings and weekends. External traffic effects will be minimal.

b. External Traffic Effects - Project design should direct non-residential traffic away from residential areas - The site is accessed by a 500 foot driveway and on-site parking is available.

c. Operating Hours - Projects with long operating hours must minimize effects on surrounding residential areas – With between two and ten customers per months, operating hours will have minimal effect on the surrounding area.

d. Outside Storage - Outside storage areas must be screened from surrounding streets and less intensive land uses – Normal outside storage is that typically found in RR zoning districts, including two tractors, a fifth-wheel horse trailer, a utility trailer and a flatbed trailer. Dog food is stored in the barn. Veterinary and cleaning supplies are stored in the garage or house. There are also five horses on the property, the maximum number allowed by right in a RR zoned district.

6. PUBLIC FACILITIES

a. Sanitary Waste Disposal - Developments within 500 feet of a public sanitary sewer must connect to sewer system. Individual systems, if permitted, shall not adversely affect public health, safety, or welfare - Sanitary sewer must have adequate capacity to serve development. The site is served by an on-site wastewater system. Domestic wastewater is managed by the on-site system. Animal waste from the kennel is composted with organic agricultural waste and used as fertilizer on the property's farm ground.

b. Storm Water Management - Development should handle storm water adequately to prevent overloading of public storm water management system - Existing drainage will remain in place. Storm water is drained from the site through natural landscape contours. No grading to redirect storm water is anticipated or deemed necessary.

c. Development should not inhibit development of other properties - According to the application, existing setbacks will be maintained and other properties in the area will be able to develop according to regulations.

d. Development should not increase probability of erosion, flooding, landslides, or other run-off related effects – Additional development is neither necessary nor contemplated

e. Utilities - Project must be served by utilities - The site is served by Cass County Rural Water District #1, NPPD electricity, and Windstream telephone. The house is currently heated with propane.

7. COMPREHENSIVE PLAN

a. Projects should be consistent with the comprehensive development plan of Plattsmouth - Kennels are defined in the Land Development Ordinance for the City of Plattsmouth as, "Boarding and care services for dogs, cats, and similar small mammals or bipedal birds, or any premises on which three or more animals included under this definition

over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities, pet motels or dog training centers.”

The Comprehensive Plan’s annexation map categorizes areas outside the corporate boundaries into four numerical categories based on the likelihood of incorporation into the city (Tier 1 being the most likely and Tier 4 being the least likely). This property is south and east of a Phase 3 area; annexation is unlikely within 15 to 30 years. “This area is not served by city services and is composed of large-lot residential Development.

Kennels are defined under the commercial uses in the Land Development Ordinance for the City of Plattsmouth; however, Table 4-1 of the Land Development Ordinance for the City of Plattsmouth allows Kennels in a RR zoning district with a special use permit.

BE IT FURTHER RESOLVED by the Mayor and City Council that the application of Brenda Carroll for a special use permit for a kennel operation at 3317 Horning Road, legally described as 32-12-14 Lot 11 NW ¼ NE 1/4 is approved subject to the following conditions:

1. Applicant must demonstrate that dogs will be confined to the kennel and not allowed to run at large.
2. Site must be kept clean and applicant must properly dispose of kennel waste.
3. Applicant shall maintain a State of Nebraska Commercial Breeder license at all times the kennel is in operation.
4. Applicant shall provide the city of a copy of the valid State of Nebraska Commercial Breeder license.
5. Applicant shall annually provide a copy of the state inspection reports to the City.
6. The Special Use Permit for a kennel will be specific to Brenda Carroll and not the property.
7. The maximum number of canines exceeding four months of age shall not exceed 25.
8. The special use permit shall be issued to the owner, not to the property.

BE IT FURTHER RESOLVED by the Mayor and City Council that if any of the above conditions are not satisfied that the special use permit is subject to revocation.

PASSED AND APPROVED this 7th day of November 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Administrator, Ervin Portis read RESOLUTION NO. 16-032 in to the record by title only. ROLL CALL: Yes-Tilson, Riese, Dugan, Porter, Brookhouser, Kerns and Derby. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 G

Council member Kerns introduced a resolution numbered and titled as follows: RESOLUTION NO. 16-033: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 412 4TH AVENUE, PLATTSMOUTH, NE 68048: PARCEL #130242209 IN THE AMOUNT OF \$450.00**

Motion by Kerns, seconded by Porter to adopt Resolution No. 16-033:

RESOLUTION NO. 16-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 412 4TH AVENUE, PLATTSMOUTH, NE 68048: PARCEL #130242209 IN THE AMOUNT OF \$450.00.

WHEREAS, the owner of 412 4th Avenue failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$450.00; 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 412 4th Avenue, Plattsmouth, NE 68048: Parcel #130242209 PLATTSMOUTH - OT LOTS 8 & 9 BLK 62~ specially benefitted the same in the amount of \$450.00 and that said amount is hereby levied against said property which shall be due in a single payment not later than December 27, 2017, at which time the assessment shall be delinquent.

BE IT FURTHER RESOLVED that this special assessment shall become due on or before December 27, 2016, 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 7th day of November 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Administrator Ervin Portis read RESOLUTION NO. 16-033 in to the record by title only. ROLL CALL: Yes-Riese, Brookhouser, Tilson, Porter, Kerns, Derby and Dugan. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 H

Council member Brookhouser introduced a resolution numbered and titled as follows:
RESOLUTION NO. 16-034: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 643 SOUTH 6TH STREET, PLATTSMOUTH, NE 68048: PARCEL #130002879 IN THE AMOUNT OF \$995.00

Motion by Brookhouser, seconded by Riese to adopt Resolution No. 16-034 by title only:

RESOLUTION NO. 16-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLATTSMOUTH, NEBRASKA, SPECIALLY ASSESSING THE REAL ESTATE LOCATED AT 643 SOUTH 6TH STREET, PLATTSMOUTH, NE 68048: PARCEL #130002879 IN THE AMOUNT OF \$995.00.

WHEREAS, the owner of 643 South 6th Street failed to correct a nuisance threat following notice to do so and the City abated the same at a cost of \$995.00; 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 643 South 6th Street, Plattsmouth, NE 68048: Parcel #130002879 PLATTSMOUTH – SHARP'S 1ST SUBDIV LOT 1~ specially benefitted the same in the amount of \$995.00 and that said amount is hereby levied against said property which shall be due in a single payment not later than December 27, 2017, at which time the assessment shall be delinquent.

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

before December 27, 2016, 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 7th day of November 2016.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk

City Administrator Ervin Portis read RESOLUTION NO. 16-034 in to the record by title only. ROLL CALL: Yes-Brookhouser, Porter, Derby, Dugan, Tilson, Kerns and Riese. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 I

Motion by Derby, seconded by Riese to approve a Street Closing or Event Permit Application submitted by Plattsmouth Main Street Association for Victorian Christmas on Main on November 26, 2016 from 4:00 p.m. to 10:00 p.m. – Closing South 4th Street and South 5th Street: Main Street south to east/west alley and North 5th Street: Main Street north to east/west alley and no vehicle access on North 5th Street from east/west alley north to Avenue A. Following discussion, ROLL CALL: Yes-Kerns, Derby, Dugan, Porter, Brookhouser, Riese and Tilson. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 J

Motion by Brookhouser, seconded by Dugan to approve the appointment of Sarah Dovenbarger as a new volunteer member of the Plattsmouth Emergency Medical Services Department. ROLL CALL: Yes-Dugan, Tilson, Kerns, Derby, Riese, Brookhouser and Porter. No-None. Absent-Wiemer. Abstain-None. MOTION CARRIED.

ITEM 8 K

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

ITEM 11

7:58 p.m. Motion by Porter, seconded by Tilson to adjourn. MOTION CARRIED, on a voice vote.

/s/R. Paul Lambert, Mayor

ATTEST:

/s/Sandra J. Meyer, City Clerk