

Regular City Council Meeting  
City Council Chambers

June 3, 2008  
7:00 p.m.

Present: Mayor –	Joyce Hudson	Absent: Council member	Jeff Kennedy
	Jim Aden		Roger Dudley
	Jeff Whiting		
City Administrator	Bruce Clymer	Police Chief	Randy Olson
City Clerk	Connie L. Dalrymple		
City Attorney	Mike Bacon		

Mayor Hudson opened the meeting and public hearing to determine sufficiency of a petition for paving at 7:00 p.m. Advance notice and a copy of the agenda were given to the Council and members of the press. City Council meetings are conducted in accordance with the Open Meetings Act, a copy of which is available for public inspection on the north wall of the Council Chambers.

There was not a quorum of Council members available to conduct the business of the agenda; therefore, the meeting and hearing was held open until 7:00 p.m. on Tuesday, June 10, 2008.

Continued City Council Meeting  
10, 2008  
City Council Chambers  
7:00 p.m.

June

Present: Mayor –	Joyce Hudson	Absent: Police Chief	Randy Olson
Council members	Jeff Kennedy		
	Jim Aden		
	Roger Dudley		
	Jeff Whiting		
City Administrator	Bruce Clymer		
City Clerk	Connie L. Dalrymple		
City Attorney	Mike Bacon		

Press: Gothenburg Times - Beth Barrett

Others present, including but not limited to: Shane Gruber, Travis Mason, Ken Christensen, Richard Schwanz, Mike Earl, Kay Wolf, Mr. & Mrs. Mark Peyton, , Louis Bovitz, Tyler Buesing, Jennifer Wolf, Caleb Warner, Mr. & Mrs. Derek Mitchell and Eric, Tim Lauer, Loren Block, Mr. & Mrs. Curtis Dachtler and Chase, Pastor Paul Pack

Mayor Hudson reconvened the meeting at 7:00 p.m. as continued from June 3. Advance notice and a copy of the agenda were given to the Council and members of the press. City Council

meetings are conducted in accordance with the Open Meetings Act, a copy of which is available for public inspection on the north wall of the Council Chambers.

The clerk reported the signatures on the petition requesting paving on 5<sup>th</sup> Street between Lake Avenue and Avenue D represent 100% of the property owners.

Whiting moved, Aden seconded, to close the hearing at 7:03 p.m. Roll call vote: Yea – Kennedy, Aden, Dudley, Whiting. Nays – none.

Aden moved, Kennedy seconded, to approve the consent agenda that included:

City Council minutes – May 20

Roll call vote: Yea – Whiting, Dudley, Kennedy, Aden. Nay - none.

Dudley moved, Whiting seconded, allowing payment of the claims against the City, \$126,762.14; Public Works Division \$215,554.13; and the May 29 payroll of \$33,015.43. Roll call vote: Yea – Aden, Kennedy, Whiting, Dudley. Nay - none.

#### OPEN FORUM:

- We have not sprayed for mosquitoes for several years but due to the wet weather, mosquitoes are especially bad this year and unless there is objection, we will begin spraying. Our chemical certificates are current and the machine was recently calibrated.
- We've received notice from Wade Viter that grave digging will increase from \$300 to \$350 on July 1 due to the cost of fuel.
- We've received notice of award of \$28,500 for planning and \$250,000 for downtown revitalization projects that result from the planning process. Request For Proposal documents are being prepared.
- A broken suction pipe in the swimming pool required that the pool be drained, repairs made and the pool refilled. Today the chlorinator quit and it cannot be run until repaired. Parts should be here and repairs made on Wednesday.

Mayor Hudson welcomed those in attendance and asked that anyone wishing to address the Council approach the podium and state their name when their item of interest is up for discussion.

Regarding paving on 5<sup>th</sup> Street per the petition submitted, Aden introduced Ordinance 836 entitled"

*An ordinance of the City of Gothenburg, Nebraska creating Street Improvement District No 117; defining the boundaries and limits thereof; providing for paving, grading, curbing, guttering, and other necessary and incidental work; providing for the payment of such improvements and other incidental expenses by the issuance of warrants, bond anticipation notes and bonds; providing for assessment of the costs of such improvements against the property specially benefited thereby and the levy of general taxes; providing for the publication of this ordinance; and related matters*

and moved that the statutory rule requiring reading on three different days be suspended. The motion was seconded by Kennedy and on roll call vote, the following voted “Yea”: Whiting, Dudley, Kennedy, Aden. “Nay”: none

Mayor Hudson declared the motion adopted by a full vote of the Council and the statutory rule suspended for consideration of said ordinance. Ordinance 836 was then read by title, whereupon Council member Dudley moved for final passage. Council member Whiting seconded the motion.

Mayor Hudson asked “*Shall Ordinance 836 be passed and adopted?*” and on roll call vote, the following voted “Yea”: Whiting, Aden, Kennedy, Dudley. “Nay”: none.

Mayor Hudson declared Ordinance 836 adopted and signed it in the presence of the Council and the clerk attested the signature.

Mark Peyton addressed the Council with his concern as to the cost of the proposed paving on 22<sup>nd</sup> Street between Avenue G and H. While he would like to see the paving he feels the City should assist with the cost since costs have risen substantially since the last paving project. With the grant in place to assist low to moderate income property owners, the project definitely should go forward, but with assistance to those not in the LMI category.

Richard Schwanz spoke in favor of the paving, especially with increased traffic to the wellness center. The street also needs to be widened. He is in favor of the paving, even if he does not qualify for grant assistance but the cost would be a hardship.

Jennifer Wolf of Dawson Area Development stated that grant funds of \$238,000 are available for LMI assessments in the district. If more property owners than anticipated qualify for assistance, we can reduce assistance from 80% to 60%. Any remaining funds can be used to reduce overall project costs.

According to Administrator Clymer the ordinance provided by the bond attorney sets up the district to include only those lots abutting the street. Historically, all districts have been assessed in 50%, 30%, 20% increments along side parcels because those properties also benefit from the improvement. This brings four additional properties into the project and realigns assessment costs. If eligible, the additional owners will receive grant assistance. The district description has been amended and filed but constitutes a substantial change to the ordinance, therefore no action can be taken and the ordinance will be held over for final reading on the 17<sup>th</sup>.

The same principle has been applied to Ordinance 833, paving on 23<sup>rd</sup> Street. Therefore no action was taken on Ordinances 832 and 833.

On May 20 Ordinance 834 was introduced to increase trash hauling fees by \$1.00 per month. There has been no public comment since that time, therefore Council decided to waive the final reading.

Council member Dudley introduced Ordinance 834 entitled:

*An ordinance setting forth all utility fees and charges in a comprehensive schedule for the City of Gothenburg; providing for repeal of all ordinances or parts of ordinances in conflict herewith and providing for an effective date*

and moved that the statutory rule requiring reading on three different days be suspended. The motion was seconded the Council member Kennedy and on roll call vote the following voted “Yea”: Aden, Kennedy, Whiting, Dudley. “Nay”: none.

Mayor Hudson declared the motion adopted by a full vote of the Council and the statutory rule suspended for consideration of said ordinance. Ordinance 834 was read by title, whereupon Council member Whiting moved for final passage and Council member Aden seconded the motion.

Mayor Hudson asked the question *Shall Ordinance 834 be passed and adopted?* On roll call vote, the following voted “Yea”: Whiting, Kennedy, Dudley, Aden. “Nay”: none.

Mayor Hudson declared Ordinance 835 adopted and signed it in the presence of the Council and the Clerk attested the signature.

Aden moved, Dudley seconded approving Mayor Hudson’s recommendation appointing Mark Ballmer to the Municipal Finance Organization, replacing Dale Franzen. Roll call vote: Yea – Whiting, Kennedy, Dudley, Aden. Nay – none.

There is one bond payment remaining on the GIC 3<sup>rd</sup> Addition bonds. Since most of those assessments have been prepaid, funds are available to prepay the bonds. Dudley moved, Whiting seconded, to pass and approve Resolution 2008-12 to call the Series 1998 bonds for Improvement District #111, in the principle amount of \$30,000. Roll call vote: Yea – Kennedy Aden, Whiting, Dudley. Nay – none.

Aden moved, Dudley seconded, allowing payment of \$33,826.15 from sales tax funds to the Redevelopment Authority to pay interest on the loan at Gothenburg State Bank. Roll call vote: Yea – Whiting, Kennedy, Dudley, Aden. Nay – none.

We have had a contract with Nebraska Municipal Power Pool to design utility rates. They have provided excellent service and at \$2880 / year are less costly than an independent engineering firm.

Ken Christensen asked if the scope of the contract could be changed to determine the feasibility of rebates for installation of new heating systems. Administrator Clymer said we’ve had NPPD provide that information in the past. The last couple times we inquired, rebates were not feasible for us since our rates are so low. We can ask NMPP to list the communities that provide rebates on their next community survey.

Dudley moved, Whiting seconded, to renew the rate design contract with Nebraska Municipal Power Pool. Roll call vote: Yea – Kennedy, Aden, Dudley, Whiting. Nay – none.

Administrator Clymer reported that of the five communities he surveyed only one reported having closed their skateboard park due to vandalism, language, trash and loud music. Others reported claims similar to other park activities. Successful parks were in well lit, fenced areas and set hours of operation. Skaters participated in fund raising and designing the park.

Chase Daughtler and Tyler Buesing provided information on skate parks that included pictures of equipment, lighting, and size requirements. Loren Block of Sterling West suggested any park start small in a controlled location, and that it be tailored for younger users. It should be built correctly and permanently, making it easier to maintain over a longer term.

Pastor Paul Pack of Parkview Baptist Church in Lexington, a skateboarder himself, provided information on the Lexington park and expressed willingness to assist the youth, parents, and the City in designing the park and seeking grants for equipment and installation. He also said location is key and that lighting and traffic flow help offset vandalism and unsavory activities.

Mayor Hudson asked the youth and their parents to stay after the meeting and help form a committee to investigate the formation of a skateboard park.

The redevelopment plan for construction of the Orscheln store on 4<sup>th</sup> Street includes up front tax increment financing of \$400,000 from sales tax funds. The Redevelopment Authority will borrow any shortfall in available sales tax funds. Payments will be made incrementally during the construction process, the final payment due at grand opening of the store. The store's property taxes will repay the sales tax fund for the TIF advance. The TIF is guaranteed by the personal and corporate assets of Pelshaw, Inc and a mortgage on the property.

Kennedy moved, Aden seconded, to approve the purchase of tax increment financing bonds in the amount of \$400,000 for the Orscheln project. Roll call vote: Yea – Whiting, Dudley, Aden, Kennedy. Nay – none.

Kennedy moved, Whiting seconded, to adjourn the meeting at 8:21 p.m. Roll call vote: Yea – Dudley, Aden, Kennedy, Whiting. Nay – none. The next regular meeting will be June 17 at 7:00 p.m.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk