

Regular City Council Meeting
City Council Chambers

March 17, 2009
7:00 p.m.

Present: Mayor – Joyce Hudson
Council members Jeff Kennedy
Jim Aden
Jeff Whiting
City Administrator Bruce Clymer
City Clerk Connie L. Dalrymple
City Attorney Mike Bacon
Absent – Council member Tim Strauser

Press: Gothenburg Times - Beth Barrett

Also present: Shane Gruber, Anne Anderson, Delvin Seil, Lona Ristine, Burton Beck, Erica Jobman, Tim Lauer, Mike Houchin, Travis Houchin, Bruce Schaben

Mayor Hudson opened the meeting and public hearings on zoning changes at 7:05 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.

Central NE Seed Company has requested a change in zoning immediately north of 1314 8th Street to accommodate the addition and expansion of their business. The area to be purchased from the airport has been surveyed but is currently zoned *Public* as a part of the airport property. It will have to be C-2 for CNSC. The Planning & Zoning Commission held a hearing on March 10 and recommends approval of the request.

Administrator Clymer suggested several corrections to the zoning map:

- Change Block 44 Hyde Park from *Public* to R-2. This is the block directly south of the school between Avenue H and Avenue I.
- Change the South one-half of Blocks 11 & 12, First Addition east of the tailrace from I-1 to C-1. This is the parking lot of Co-op's administration building.
- Change the area along East 4th Street, currently I-2 (heavy industry) to I-1 (light industry).
- Change the entire Greenbelt area along the northeast side of I-80 exit ramp to AG-1.
- Change the entire I-2 area west of Cottonwood Dr to I-1.

The Planning & Zoning Commission also recommended approval of these changes.

Kennedy moved, Whiting seconded, to close the hearings at 7:16 p.m. Roll call vote: Yea – Aden, Whiting, Kennedy. Nay – none. Absent and not voting – Strauser.

Attorney Bacon was directed to prepare the appropriate ordinances incorporating the zoning changes.

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

City Council minutes – March 13
Planning & Zoning Commission minutes – March 10
Treasurer's Report - February
Library Director's Report – Jan – March 2009

Roll call vote: Yea - Whiting, Kennedy, Aden. Nay – none. Absent and not voting - Strauser.

Whiting moved, Aden seconded, allowing payment of the claims against the City, \$86,405.54; Public Works Division \$331,838.66; and the March 5 payroll of \$29,130.86. Roll call vote: Yea – Kennedy, Aden, Whiting. Nay - none. Absent and not voting – Strauser.

OPEN FORUM:

- We have received notice that we'll receive stimulus funds for the Avenue I sewer project. We've not received a contract yet. Work is progressing on the project.
- We've received the *Notice to Proceed* and held a preconstruction conference on the 5th Street storm sewer and paving project.
- Alexa Ostergard will be the pool manager and Scott Foster the Recreation Director this year. Memorial Day is early and we are working to get the pool drain covers required by law in place prior to opening. The new heat pumps are installed and ready to use. Pool opening is scheduled for May 30th.
- The City received the Nebraska Public Power District Economic Development Award for recruiting Dayton-Phoenix Group. Thanks to the GIC and Dawson Area Development.
- Beth Barrett introduced Erica Jobman, a UNL freshman job-shadowing at the Times.

An amended version of Ordinance #843 was filed with the Clerk following the March 3 meeting. The amendment removes the water rate increase according to the Council's direction. The sewer rate increase will be on the April 8 utility bills.

Aden moved, Whiting seconded, to advance Ordinance #843, as amended, to third and final reading. Roll call vote: Yea – Kennedy, Whiting, Aden. Nay – none. Absent and not voting – Strauser.

One bid that fit the specifications was received for a park mower. The bid from Husker Ag is for a 2009 John Deere 1545 Series II mower with 6-foot deck, hydraulic dump, and removable grass catcher for \$28,350.00. The old mower will be sold at auction or by sealed bid.

Kennedy moved, Aden seconded, to accept the bid from Husker Ag for a John Deere mower. Roll call vote: Yea – Whiting, Aden, Kennedy. Nay – none. Absent and not voting – Strauser.

The Police Department has received concerns about the length of time large dumpsters are on the streets. They constitute a traffic hazard because drivers cannot see around them and they are unsightly, especially over a long term. Administrator Clymer provided a model ordinance for discussion that included provision for containment of airborne materials, permit process, and flashers / barricades for traffic safety.

Questions were discussed: How trash haulers currently handle requests for large dumpsters
 Reasonable length of time to allow
 Placement of the dumpsters
 Permit process and fees
 Allowing dumpsters on private property for extended periods of time

Attorney Bacon was directed to prepare an ordinance for consideration at the April 7 meeting.

The City had developed regulations for use of NPPD's Energy Wise Program funds allotment to eliminate the possibility of one large request using all our allotment. NPPD has changed their process to direct large businesses to request funds directly from them instead of the City. Therefore, we do not need local regulations.

Kennedy moved, Whiting seconded, to remove the City's regulations for use of NPPD's Energy Wise funds. Roll call vote: Yea - Whiting, Aden, Kennedy. Nay – none. Absent and not voting – Strauser.

Aden moved, Whiting seconded, approval of a one-day license to dispense beer, wine, and distilled spirits at a Business After Hours event sponsored by First State Bank on April 24, 2009 from 5:00 p.m. to 7:00 p.m. at 921 Lake Avenue in Gothenburg. Roll call vote: Yea – Kennedy, Whiting, Aden. Nay – none. Absent and not voting – Strauser.

Kennedy moved, Aden seconded, to pass and approve Resolution 2009-6 supporting participation in the Nebraska Community Improvement Program. Roll call vote: Yea – Whiting, Aden, Kennedy. Nay – none. Absent and not voting – Strauser.

Several residents of Stone Hearth Estates have requested garages but there is no place to construct them on site. Therefore, they would like to secure property sufficient to construct six garages west of the current employee parking lot on the west side of the building. The construction would be similar to the existing building. As a part owner in Stone Hearth Estates Attorney Bacon has declared a conflict of interest in the discussion and project.

There are currently two power lines on the property that would have to be moved. One feeds the bubbler in Lake Helen and the other feeds Lakefront Mobil Home Court. The Community Redevelopment Authority has recommended the City transfer the property to them for sale to Stone Hearth, subject to the ability to move the power lines and the approval of a special use permit for the construction. Administrator Clymer and City Services Director Gruber looked at the area. It is inside the road right-of-way but is unsuitable for a residence or other use.

Discussion was had and a motion made by Aden, seconded by Kennedy introducing Ordinance #844 authorizing transfer of the property to the Redevelopment Authority and ultimate sale to Stone Hearth Estates. Roll call vote: Yea – Whiting, Kennedy, Aden. Nay – none. Absent and not voting – Strauser.

Administrator Clymer asked if the dumpster ordinance could include a time limit on private property too.

Atty. Bacon agreed that the nuisance process is slow and cumbersome but he'll work on options for the Council to consider.

Kennedy moved, Whiting seconded, to adjourn the meeting at 8:07 p.m. Roll call vote: Yea – Aden, Whiting, Kennedy. Nay – none. Absent and not voting – Strauser. The next regular meeting will be April 7 at 7:00 p.m.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk