

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

Press: Gothenburg Times - Beth Barrett

Also present: Mr. & Mrs. Scott Bahe, Bruce Schaben, Leroy Osborn, Donna McConnell, Mr. & Mrs. Ed Fruit, Kim Maurer, Cherry Alger, Nancy Fisher, Scott Foster, Joe Payne, Sally Dalrymple, Karole Porkorny, Donna Morris, Steve Linegar, Ron Bonsack, Lori Clymer, Tim Lauer, Travis Mason, Shane Gruber, Robert Meyer, Mike Steele.

Mayor Hudson opened the meeting and public hearing 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.

The hearing on ducks and geese at Lake Helen was taken up at 7:00 p.m. Mayor Hudson stated the Council had made no decision regarding the ducks and geese situation but is interested on the pro and con feelings of the citizens. She thanked all present for coming and asked those interested in speaking to approach the podium, introduce themselves, and offer a brief comment. When the hearing is closed, no further comments will be allowed. The Council will deliberate and either take, or delay, action.

Written and verbal comments included:

- A few ducks are ok. If we quit feeding them, they will leave and find their own food.
- Many local and out of state people come to see the gees. It's an opportunity to view a migration in our town. Kids are thrilled although we shouldn't feed them. Let nature deal with them.
- The migration has shifted and the geese are here to stay. They are fascinating to watch. If those remaining are fed by the river lakes, they will move.
- It used to be a pleasure to walk the lake area, it's no longer enjoyable.
- The dilemma is whether we want a wetland or recreation area. The lake area was built to be a park and it's difficult to enjoy it with so many fowl and the resulting excrement.
- The lake was a former source of pride in the community. We used to canoe and play in the grass. We helped plant trees and the walking trail is a great asset now reduced to sewage. I'm not against wildlife but if we want the area to be wildlife, we need to cease human activity – no snow removal, mowing, picnicking, or tree planting. If we want our park back we need to drain the lake for two years to interrupt the migration, deepen the lake, then provide for water coming in and going out of the lake.
- There should be room for ducks, geese, and people. It's a rare privilege to see for a few months of the year. Let them be.
- Seventeen years ago ducks and geese were introduced to the lake. People fed them and soon there was too many. They feel safe there. I took a walk at the lake and was afraid to let my dog get in the water. I'm an avid sportsman but no one should let their dogs in the water now. What is the liability to the City if someone gets into the water? I miss the lake of 20 years ago.
- I live west of the lake; the geese are music to my ears. The problem is the domestics and the only way is to get rid of them. Stores sell them and when they get too big, people take them to the lake. The problem is that we have a dead lake, it needs fresh water. Even if you drain the lake, they'll be back in the fall. They won't leave; it's a refuge from hunters. The flocks will migrate but will be back.
- The ducks and geese are attractive, but they are unsanitary because of the dead water. Maybe more aeration may help. It's a goose lake now, no fish live there. Domestics are livestock, stop feeding them. Leave the wild ones alone and let nature take care of them.
- The City owns the lake and buys water from NPPD. We also pump water into the lake. We have to buy water because we do not have water rights. The water has been tested and was not found to be unhealthy although it is unsightly. An aerator was installed a few years ago to put air into the water.
- When I moved here in 1981 Lake Helen was a source of pride, now it's very different. I live by the lake and don't mind the numbers of wildlife, but I do mind not being able to walk without manure for a significant time of the year. Walking in the grass is no better. It's impossible to exercise myself, children, or animals without getting in fecal material. The water is a different color. It's an embarrassment to the community. It's a shallow lake and it will be a significant

expense to try and deepen it again. I'm very proud of Gothenburg but the lake is unacceptable as is. If we can't get rid of the geese, at least clean up the mess. There are federal regulations regarding the management of wildlife. The problem is larger than just geese. It will take money to do it. Gothenburg has always committed what's needed to get something positive done. The area can't be healthy for birds, either. There are always dead birds on the water. I have no solutions but ask the Council to commit the effort and resources to do something.

- At one time there was good fishing. Now it's a dead lake. Instead of pumping out could there be an outlet on the northwest side by the canal?
- According to research, in a safe water habitat the numbers will increase significantly over a short period of time and the birds will become quite large because they are sedentary. Each bird will then produce over one pound of excrement daily. No amount of water 'turnover' will help.
- The geese make a mess of a park that could be a really nice attraction to town. Right now it's a borderline eyesore, and very non-functional for almost any family use (no offense to the park crew, they do a good job). Geese do not need the lake, they are animals that spend their life adapting to changes in their environment. They will still live and thrive around other open waters sources. I'd like to see the lake dredged / cleaned up and stocked with fish so kids can ride their bikes to the lake and catch fish.

Park caretaker Tim Lauer asked Council to decide if they want a park or wildlife refuge. The numbers of birds at the lake are like sheep – they eat the grass to the ground. The soil is not good anyway and it's nearly impossible to grow and maintain grass.

The consensus of all comments received was that the community enjoys the ducks and geese at Lake Helen but the numbers have increased to the point of creating a health hazard, and have ruined the water and the park. People would rather have a park than a wildlife refuge.

After comments were received Council discussed the issue of water flow into and out of the lake, reclaiming the area as a park, and budgeting the necessary funds.

Kennedy moved, Aden seconded, to close the hearing at 7:58 p.m. Roll call vote: Yea – Whiting, Strauser, Aden, Kennedy. Nay – none.

Mayor Hudson suggested, and Council agreed, that she and Administrator Clymer come up with a committee to create a plan of action to reclaim the lake area as a park.

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

City Council minutes - March 17

Police Report – March

Cemetery Sexton report – Jan - March

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

Strauser moved, Kennedy seconded, allowing payment of the claims against the City, \$152,224.04, except #1323; Public Works Division \$111,631.26; the March 19 payroll of \$31,135.71 and April 2 payroll of 29,658.51. Roll call vote: Yea – Kennedy, Whiting, Strauser, Aden. Nay - none.

Kennedy moved, Whiting seconded, allowing payment of claim #1323 to Tim Strauser. Roll call vote: Yea – Kennedy Whiting, Aden. Nay – none.

Open Forum:

- The worn out chair along the street at 11<sup>th</sup> and Ave G should be removed and the light on the flag pole at Lake Helen needs to be adjusted.
- We have received *Notice of Release of Funds* on the owner occupied housing project. Representatives of West Central NE Development District will be in the office next week to explain guidelines and the application process.
- We've received notice of \$250,000 funding for implementation of the downtown revitalization project. It will take approximately 6 – 8 weeks to receive release of funds and then project applications can begin.

Whiting moved, Kennedy seconded, to pass and approve Ordinance #843 regarding water and sewer rates, on third and final reading. Roll call vote: Yea – Aden, Strauser, Kennedy, Whiting. Nay – none.

Aden moved, Strauser seconded, to advance Ordinance #844 transferring property to the Redevelopment Authority to third reading. Roll call vote: Yea – Whiting, Kennedy, Strauser, Aden. Nay – none.

Item 6© Proposed ordinance incorporating zoning changes – CNSC request and general updates was removed from the agenda and not discussed.

Aden moved, Whiting seconded, approving Change Order #1 on the Jefferson Street paving project, setting the completion date for June 1, 2009. Roll call vote: Yea – Kennedy, Aden, Whiting, Strauser. Nay – none.

We currently have separate Municipal Code book and Zoning and Subdivision Regulations book. American Legal Publishing will recodify both into one unit document, including all updates, and post it on our website. The base contract is \$6500 with additional fees for each page, probably \$8000 - \$10,000 to finish the project. This will also correct errors between codes and duplications in the codes. The finished document will need to be reviewed carefully before being adopted.

Aden moved, Whiting seconded, to enter into an agreement with American Legal Publishing, naming Administrator Clymer and Clerk Dalrymple as contacts. Roll call vote: Yea – Kennedy, Strauser, Whiting, Aden. Nay – none.

Item 6(f) Proposed ordinance to convey property to Redevelopment authority (abandoned property at 4<sup>th</sup> Street and Ave D) was removed from the agenda and not discussed.

Kennedy moved, Strauser seconded, to pass and approve Resolution 2009-7 authorizing signature of documents relative to State Revolving Loan Funds for the sanitary sewer project. Roll call vote: Yea – Whiting, Aden, Kennedy, Strauser. Nay – none.

Regi Fruit expressed concern for the safety of children using the playground equipment on the north side of Ehmen Park. When cars park on the north and south sides of 16<sup>th</sup> Street between Lake Avenue and Avenue F, it leaves one driving lane making it nearly impossible to miss children running between cars to cross the street. She asked Council to consider no parking on the south side of 16<sup>th</sup> Street.

Discussion was had. It's difficult to eliminate all parking because the homes on the north side of the street do not have adequate parking as it is. Eliminating parking on the south side would remove the handicap space near the equipment and restrooms. It was decided to have City Services Director Shane Gruber measure the south side and mark it for a visual interpretation leaving the handicap space open. This will help determine how many parking spaces will be lost. Council will discuss the issue later.

Robert Meyer of RJ Meyer and Associates, CPA's discussed the 2007-08 audit of municipal funds.

- All funds reconciled and no fraud was found
- Some debt has been retired early with substantial interest savings
- Assets exceed liabilities
- All funds are within budget
- Utility funds are close to self supporting
- Area banks are stable but we need to be vigilant in keeping sufficient securities and accounts allocated.

Kennedy moved, Aden seconded, to accept the audit as presented. Roll call vote: Yea – Whiting, Strauser, Aden, Kennedy. Nay – none.

Discussion was had on the proposed ordinance prohibiting large dumpsters on City property, specifically streets and right-of-ways. Kennedy moved, Aden seconded, introducing Ordinance #845. Roll call vote: Yea – Strauser, Whiting, Aden, Kennedy. Nay – none.

Aden moved, Strauser seconded, approving Change Order #2, an increase of \$5350 on the Avenue I sewer project. Roll call vote: Yea – Whiting, Strauser, Kennedy, Aden. Nay - none.

Whiting moved, Strauser seconded, approving Change Order #3 for a 30-day extension on the Avenue I sewer project. Roll call vote: Yea – Aden, Kennedy, Strauser, Whiting. Nay – none.

Aden moved, Strauser seconded, allowing pay request #2 on the Avenue I sewer construction. Payment will be \$27,169.51 to Van Kirk Bros Construction. Roll call vote: Yea - Kennedy, Aden, Whiting, Strauser. Nay - none.

Aden moved, Kennedy seconded, to adjourn the meeting at 8:47 p.m. Roll call vote: Yea – Whiting, Strauser, Aden, Kennedy. Nay – none. The next regular meeting will be April 21 at 7:00 p.m.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk