

Regular City Council Meeting
City Council Chambers

November 20, 2012
7:00 p.m.

Present: Mayor – Joyce Hudson
Council members Jeff Kennedy
Gary Fritch
Tim Strauser
Jeff Whiting
City Administrator Bruce Clymer
City Clerk / Treasurer Connie L. Dalrymple

Absent: City Attorney Mike Bacon

Press: *Gothenburg Times* - Beth Barrett

Also present: Shane Gruber, Kim Whiting

Mayor Hudson opened the meeting 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.

Whiting moved, Fritch seconded, approving the consent agenda that included:

- City Council minutes – November 6
- Police Report - October
- Treasurer's Report – October
- Library Director's Report – Sept – Oct
- Planning & Zoning Commission minutes – November 13

Roll call vote: Yea – Strauser, Kennedy, Fritch, Whiting. Nay - none.

Kennedy moved, Strauser seconded, allowing payment of claims against the City, \$84,679.33; Public Works Division \$373,621.40; and the November 8 payroll of \$35,317.04. Roll Call vote: Yea – Whiting, Fritch, Strauser. Kennedy. Nay – none.

Community Comments:

- The Certification of Votes Cast at the November 6 general election was shared:
 - East Ward – Duane M. Oliver 640
 - West Ward – Jeffrey M. Kennedy 574

Terry Jessen has submitted a survey for the replat of Terry's Business Park. He would like to extend Lots 1 and 2 of Terry's Business Park Replat approximately 50 feet to the north. The Planning & Zoning Commission has recommended approval of the request.

Kennedy moved, Strauser seconded, to approve Terry's Business Park Replat as proposed. Roll call vote: Yea – Whiting, Fritch, Strauser, Kennedy. Nay – none.

At the last meeting there was discussion on a North Platte ordinance regulating sexually oriented businesses and Atty. Bacon was asked to review it for Gothenburg's purposes. Atty. Bacon's

revision does not deny access to such businesses as they are protected by the First Amendment but attempts to set out an application and Police Dep't investigation process, regulate the location, establish permitting and inspection procedures, and establish fees. Locations would not be allowed closer than 1000 feet from any residential district, church, or hospital. That would put them in some C-2 (Highway Commercial) areas without change to the existing zoning code or in I-2 (Light Industry) which would require amendment of the code. Licenses would be issued annually.

Councilman Whiting asked about the effect of this ordinance on convenience stores selling adult magazines. Atty. Bacon will be asked to review this question and the application process.

Discussion was had and a motion made by Fritch, seconded by Strauser, to introduce the proposed ordinance regarding sexually oriented businesses within I-2 zoning areas. Roll call vote: Yea – Kennedy, Whiting, Strauser, Fritch. Nay – none.

Kennedy moved, Whiting seconded, to authorize signature of the Certificate of Compliance and renewal of Maintenance Agreement #56 with the Department of Roads. Roll call vote: Yea – Fritch, Strauser, Whiting, Kennedy. Nay – none.

Nebraska Public Power District's primary emphasis has always been wholesale and retail electric rates. A group of municipalities is organizing the Municipal Electric Interests Group (MEIG) for the purposes of working with NPPD on recognizing the needs of municipals and looking at rural and agricultural electric loads. There is no cost to membership in MEIG unless the group would hire a consultant or rate specialist.

Discussion was had and a motion made by Kennedy, seconded by Whiting, to authorize participation in the Municipal Electric Interests Group and name Bruce Clymer as Gothenburg's representative. Roll call vote: Yea – Strauser, Fritch, Whiting, Kennedy. Nay – none.

Due to the extremely dry summer, water consumption became a concern for the City. Four million gallons is the maximum pumping capacity of our well system. We normally pump 1.5 million gallons a day, up to 2 million gallons during the summer, but in July through September this year we averaged 3.8 million gallons a day. We are now down to 500,000 gallons / day.

A water management plan would have classifications of usage ranging from human consumption to waste, and would set out stages of water use, especially during a water crisis. We currently have a voluntary lawn / garden watering program but there is nothing in place to require compliance or a penalty for non-compliance. If the Council favors establishing such a water use ordinance, we need to begin working on it with Atty. Bacon to be ready for the spring watering season.

Discussion was had and it was decided to proceed with establishment of a water management plan.

The Clerk attended a conference earlier this year that provided information on the updated Americans with Disabilities Act. Among other things, the update requires two modes of

handicap entrance into a municipal swimming pool. In 1993 we had an independent analysis of City properties and made necessary changes. If we establish a transition plan and spread any repairs over several budget years, we are showing intent and effort to comply with the Act without major impact on the budget in any one year.

Kennedy moved, Whiting seconded, to visit with Miller & Assoc. about the possibility of an analysis and to revisit the issue at budget time. Roll call vote: Yea – Fritch, Strauser, Whiting, Kennedy. Nay – none.

About a year ago discussion was had with a company about maintaining the water tower. Since then, Dana Daniels of Miller & Assoc. has inspected the water tower and found the paint to be in good shape. He does suggest cleaning the tower in 2013 and monitoring the coatings at that time. No action was taken by the Council.

Kennedy moved, Whiting seconded, to approve the Special Designated License requested by Monte Kenning of OK Bottle Shoppe for a December 13th Business-After-Hours event hosted by Gothenburg State Bank, at 900 Lake Avenue. The event will be from 5:00 p.m. to 10:00 p.m. Roll call vote: Yea – Fritch, Strauser, Whiting, Kennedy. Nay - none.

Strauser moved, Fritch seconded, to adjourn the meeting at 8:05 p.m. Roll call vote: Yea – Kennedy, Whiting, Fritch, Strauser. Nay - none. The next regular meeting will be December 4, 2012.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk