

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

Press: *Gothenburg Times* - Beth Barrett

Also present: Including but not limited to Ken Christensen, Charolett Janssen, Joe Payne, Anne Anderson, Sean and Abby Sabin, Joe and Alexa Libal, Taci Bartlett, Wesley Anderson, Carlos Magdelano, Randy & Tammy Sabin, Jeff & Jill McCandless, Stephen Ostergard, Janelle Larson, Rob Ostergard, Travis Mason, Chad Sitorius, Amy Mahar, Dallas Codor, Gary Habe

Mayor Hudson opened the meeting and public hearings 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.

A request from Joe Payne for special use permit #120 was taken up first. Mr. Payne has requested the permit for a 20' x 20' addition to a garage at his home 519 6<sup>th</sup> Street. The C-2 zoning makes the addition an expansion of a non-conforming use. The Planning & Zoning Commission has recommended approval as the addition will meet setback requirements.

Strauser moved, Kennedy seconded, to close the public hearing at 7:05 p.m. Roll call vote: Yea – Whiting, Oliver, Kennedy, Strauser. Nay – none.

Oliver moved, Whiting seconded, approving Special Use Permit #120 as presented. Roll call vote: Yea - Kennedy, Strauser, Whiting, Oliver. Nay – none.

The public hearing for Special Use Permit #121 was taken up at 7:06 p.m. Sean Sabin has requested a permit for home occupation at 705 20<sup>th</sup> Street, an R-2 zoning district. His intent is to use the accessory building on the property for an auto appearance repair shop, *Just the Little Things*. The building has been used in the past as a commercial building but that use has been abandoned for two years which necessitates the permit process.

The city received a petition from area property owners in opposition to the business. Since the petition includes more than 20% of the owners the question will require a three-fourths majority of the full Council. In a four to one vote the Planning & Zoning Commission has recommended approval of the permit with the stipulation that “no vehicle waiting to be repaired or in the process of being repaired be left outside”.

Mayor Hudson asked anyone wishing to speak to approach the podium, introduce themselves and state their concerns. Conversation in the audience will not be allowed.

- Dallas Codor does not want the business due to increased traffic on already busy streets, Avenue G and 20<sup>th</sup> Street. There is already a lot of traffic from school and in the alley from residents.
- Ken Christensen – does not live in the immediate area but says there could be with something worse than this business in the building that would have no City control.
- Sean Sabin commented that the business is currently located at 1125 Avenue F has never created a traffic problem. He has statements from the neighbors that the area is clean, there's no noise, and no complaints. Employee safety is the number one concern of the business. He will park in the back of the property and won't create more alley traffic than there already is. The main entrance to the business will be 20<sup>th</sup> Str. and the alley is not for customer use. They do use portable paint tents but they will fit in the building and are 100% EPA approved. He noted that unlike some home businesses he wanted to do the right thing by getting a special use permit. The building they will use is too big for just storage and he is willing to address the concerns of the neighborhood. The Sabins own lots in the commercial area and plan to move there if the business continues to grow but at the present time it is too costly to build. They have searched for existing buildings through the GIC and the City.

- Taci Bartlett's main concern is for those walking along the street and the increased traffic. It's been nice not having the fire trucks that parked there when Fyr-Tek was using the building.
- Gary Habe's concern is noise, vibration and outside storage. He wants any stipulations enforced.
- Jeff Whiting lives one block north of the 1125 Ave F business location and Randy Sabin has improved the home and lot tremendously. Jeff makes more noise with his race car than this business will make.
- Anne Anderson said Sean has been an active member of the Chamber for two years and has proven himself to be a responsible business person.
- Amy Mahar lives at 1916 Ave G and she feels no business should be in a residential neighborhood. Businesses are better developed on a commercial lot.

Kennedy moved, Whiting seconded, to close the public hearing at 7:36 p.m. Roll call vote: Yea – Oliver, Strauser, Whiting, Kennedy. Nay – none. Mayor Hudson reminded everyone that the hearing is closed and further discussion will be held among the Council without input from the public.

Councilmember Kennedy expressed his appreciation to all for their concern and the fact the people care about their neighborhoods. He personally is not in favor of businesses in residential areas but this is an unusual situation. The building in question was used commercially before most of the houses in the area were there. The inability to use this building creates a hardship on property owners but he also respects the fact that the neighbors don't want hardship either. The issues have been discussed with Sean Sabin and he feels Sabin has addressed them. He also agrees with Ken Christensen that the City can exercise more control over the use of the building through the special use permit process.

Councilmember Oliver feels the difficulty of the Council's position. He respects the owners who don't want the business. However, while the building is nice looking, it but will never look residential. He also believes the Council has committees such as the Planning & Zoning Commission to make recommendations to the Council. The petition brought to the Council does have meaning. We must understand the business Sabin's do, it's not a body shop. Planning & Zoning has recommended approval with a stipulation.

Councilmember Strauser agreed and again asked Mr. Sabin to ascertain that the main business access will be from 20<sup>th</sup>, not the alley.

Kennedy moved, Whiting seconded, to approve Special Use Permit #121 submitted by Sean Sabin to operate an auto appearance repair business, *Just the Little Things*, as a home occupation at 705 20<sup>th</sup> Street, with the following stipulations:

1. Planning & Zoning Commission stipulation applies: no vehicle waiting to be repaired or in the process of repair can be left outside the building.
2. Dumpsters will be at the rear of the building.
3. Signage will not exceed six square feet in size.
4. No parts or equipment can be stored outside the building.
5. The two parcels (shop and home) will be combined as one through the Administrative Replat process.
6. The Special Use Permit will terminate upon the sale of the property.

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

Mayor Hudson thanked everyone and asked them to support the business and the Council. Stipulations are in place for Sabin's to live by and if they don't, residents can come back to the Council.

The 1 Year and 6 Year Road Program hearing was taken up at 7:56 p.m. The purpose of the hearing is to establish a program of street improvements and is the planning tool required for Highway Allocation funds. The plan can be modified and we are not bound to it.

According to Travis Mason, development of a road to the south industrial tract is the only project on the one year plan. It will consist of paving / curb & gutter / drainage for a 30 foot wide road from Cottonwood Dr. to Corporate Limits

This six year plan includes:

- Grading 27<sup>th</sup> Street from Lake Avenue to west corporate limits
- Paving 18<sup>th</sup> Street from Avenue A to Avenue B
- Drainage & paving 17<sup>th</sup> Street from Ave L to Ave M and Ave L from 17<sup>th</sup> Street to 18<sup>th</sup> Street
- Paving / curb & gutter on Ave K from 19<sup>th</sup> Street to 20<sup>th</sup> Street
- Paving / curb & gutter on 6<sup>th</sup> Street from Hiway 47 to Cottonwood Dr.
- 1000 feet storm drainage west from Cottonwood Dr
- Pave / curb & gutter 13<sup>th</sup> Street from Ave I to Ave H
- Pave / curb & gutter 800 feet west from Ave A on 1<sup>st</sup> Street

Pave / curb & gutter / drainage on Ave J from 23<sup>rd</sup> Street to 27<sup>th</sup> Street  
 Pave / curb & gutter Ave K from Hiway 30 to Washington Street  
 Pave / curb & gutter Ave J from 10<sup>th</sup> St to Washington Street  
 Pave / curb & gutter Washington St from Ave J to Ave L  
 Pave / curb & gutter 11<sup>th</sup> St from Ave I to Ave K  
 Pave / curb & gutter 10<sup>th</sup> St from Ave I to Ave L  
 Pave / curb & gutter Ave L from 21<sup>st</sup> St to 22<sup>nd</sup> St  
 Overlay 27<sup>th</sup> Street from Lake Ave to Avenue M  
 Overlay Ave M from Highway 30 to 12<sup>th</sup> Street  
 Overlay Ave M from, 16<sup>th</sup> Street to 27<sup>th</sup> Street

Discussion was had and a motion made by Strauser, seconded by Kennedy, to close the hearing at 7:59 p.m. Roll call vote: Yea – Whiting, Oliver, Kennedy, Strauser. Nay - none.

Oliver moved, Strauser seconded, to pass and approve Resolution 2013-2 approving the One Year and Six Year Road Program as proposed. Roll call vote: Yea – Whiting, Kennedy, Strauser, Oliver. Nay - none.

Kennedy moved, Oliver seconded, approving the consent agenda that included:

- City Council minutes – February 5
- Police Report - January
- Treasurer’s Report - January
- Board of Adjustment minutes – January 25 and February 8
- Planning & Zoning Commission minutes – February 12

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

Whiting moved, Kennedy seconded, allowing payment of claims against the City, \$34,556.54; Public Works Division \$434,696.46; and the February 14 payroll of \$34,058.99. Roll Call vote: Yea – Oliver, Strauser, Kennedy, Whiting. Nay - none.

Community Comments:

- Shane Gruber applied to the Nebraska Groundwater Foundation for designation of Ehmen Park as a *Groundwater Guardian Green Site*. Award was made earlier this week and recognizes Gothenburg’s efforts to be good stewards of water and pesticide use.

Oliver moved, Whiting seconded, approval of the automatic renewal of liquor licenses:

Norm Lambertus - Bar-W Lounge	Class IB
R & C Petroleum dba Time Saver #18	Class B
Western Staab (Pizza Hut)	Class A
Pete's Lounge	Class I
Walker's Steakhouse	Class IB
Lakeside Bowl	Class I
OK Bottle Shoppe	Class D
Pit Stop, Inc.	Class B
Randazzle Cafe	Class I
China Cafe	Class A
Shopko Hometown	Class D

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

Of the eleven requests for proposal for administration of CDBG reuse funds, two firms declined and only Dawson Area Development submitted a proposal. Administration includes all aspects of reuse loan financing such as compliance with Davis-Bacon, environmental reviews, and reporting. Fees will be 7% of the project, with a minimum of \$1000 and a maximum of \$5,000.

Kennedy moved, Strauser seconded, to award a three year contract to Dawson Area Development for administration of Gothenburg’s Community Development Block Grant economic development reuse funds. Roll call vote: Yea – Whiting, Oliver, Strauser, Kennedy. Nay – none.

Whiting moved, Strauser seconded, to advance Ordinance 882 regarding sexually explicit businesses, to third and final reading. Roll call vote: Yea – Oliver, Kennedy, Strauser, Whiting. Nay – none.

The residence at 1804 Avenue C has fallen into disrepair with broken windows, doors ajar and water damage. Chief Olson had a mold inspection and found that there had been standing water in the home resulting in extensive mold growth. Even the joists were molded. The cost to repair the home far exceeds the value of the structure. A notice was sent to a family member / owner but the 60-day response period has expired and there has been no response. Council will need to determine a course of action.

Atty. Bacon recommended the home be secured and action be filed in district court authorizing us to condemn the property and remove all buildings on the premises. A lien can be filed to attempt recovery of costs. The judgment can include city costs for securing the property.

Kennedy moved, Oliver seconded, to proceed with cleaning up the property at 1804 Avenue C. Roll call vote: Yea – Whiting, Strauser, Oliver, Kennedy. Nay – none.

The property at 1010 18<sup>th</sup> Street sustained extensive fire damage to the interior rendering the structure unstable due to damage to the floor joists. The building has been secured and a notice sent to the property owner, Bank of America. There has been no response.

Oliver moved, Strauser seconded, to proceed with a judgment to remove the building and assess a \$100 / day fine to Bank of America until they do so. Roll call vote: Yea – Whiting, Kennedy, Strauser, Oliver. Nay – none.

Dawn Hecox purchased the property at 1014 Lake Avenue for use as a dental office. The building required a new water line from Lake Avenue to the back of the building. They have requested a License to Maintain Improvements on City Right-of-Way to construct the private water service in the alley.

Discussion was had and a motion made by Oliver, seconded by Kennedy, to approve the License to Maintain as requested. Roll call vote: Yea – Whiting, Strauser, Kennedy, Oliver. Nay – none.

Strauser moved, Kennedy seconded, to approve the Norris and Gaye Franzen Subdivision located within our zoning jurisdiction. The subdivision separates 3.14 acres containing the homestead and outbuildings from the farm ground. Roll call vote: Yea – Oliver, Whiting, Kennedy, Strauser. Nay – none.

Kennedy moved, Oliver seconded, approving the Delahunty Acres Subdivision located within our zoning jurisdiction. The subdivision separates 5.09 acres containing the homestead and outbuildings from the farm ground. Roll call vote: Yea- Strauser, Whiting, Oliver, Kennedy. Nay – none.

Kennedy moved, Strauser seconded, to adjourn the meeting at 8:25 p.m. Roll call vote: Yea – Whiting, Kennedy, Oliver, Strauser. Nay - none. The next regular meeting will be March 5, 2013.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk