

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

Press: *Gothenburg Times* - Beth Barrett

Also present: Including but not limited to Shane Gruber, Sgt. Matthew Langley, Susie Schmeackle, Sharon Meyer, Ginger Featherngill, Dale Franzen, Anne Anderson, Pastor Bill Ivey

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.

Dale Franzen, representing the Fire Department requested Council permission to provide a public fireworks display on July 4. If it rains, they would like to make the display on July 5. The Department has received the necessary permits from the Fire Marshall.

Kennedy moved, Whiting seconded, to allow the Fire Department to facilitate a fireworks display on July 4, or July 5 if necessary due to weather conditions, at Lake Helen. Roll call vote: Yea – Oliver, Strauser, Whiting, Kennedy. Nay – none.

The public hearing was taken up at 7:04 p.m. The purpose of the public hearing was to consider application for a Community Development Block Grant for the rehabilitation of owner occupied houses. The grant request is for \$155,000 to provide a maximum of \$25,000 to each of five low-to-moderate income homeowners to rehabilitate their homes within the corporate limits, plus \$15,000 for administration of the grant. Ginger Featherngill of West Central NE Development District (WCNDD), further informed Council the grant funds originate with HUD (Housing and Urban Development) and are distributed through the Nebraska Department of Economic Development (DED). She has received letters of support from the Senior Center and Chamber of Commerce to include with the application. WCNDD has received letters of support from four of seven contractors. Grant applications are due at DED on July 19 and award will be announced in September. Through the winter months home owner applications will be received, contracts and required documents will be prepared. Anticipated release of funds will be early spring 2014. Construction will follow.

Program guidelines are:

- Owners must occupy the home and be LMI, income level at 80% or less of median income
- The grant is incrementally forgivable up to 5 years, after 5 years there is no repayment required.
- The property must have no pending nuisance or water / sewer issues.
- All applicants' homes will be tested for lead.
- WCNDD will inspect construction.
- The City Council will approve requests for payment from DED.

Brief discussion was had and a motion made by Kennedy, seconded by Strauser, to close the public hearing at 7:12 p.m. Roll call vote: Yea – Oliver, Whiting, Strauser, Kennedy. Nay – none.

Whiting moved, Oliver seconded, to proceed with the application for a Community Development Block Grant of \$155,000 for owner occupied home rehabilitation and to authorize signature the Resolution authorizing Chief Elected Official to sign the application and related documents including the applicant's statement of assurances and certifications, the determination of level of review, and the approval of program guidelines. Roll call vote: Yea – Strauser, Kennedy, Oliver, Whiting. Nay – none.

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

City Council minutes – June 18

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

Strauser moved, Oliver seconded, allowing payment of claims against the City, \$84,411.87, except #1920; Public Works Division \$97,957.17; and the June 20 payroll of \$44,504.12. Roll Call vote: Yea – Whiting, Kennedy, Oliver, Strauser. Nay - none.

Strauser moved, Whiting seconded, allowing payment of claim #1920 to Kennedy Landscape Services. Roll call vote: Yea – Oliver, Whiting, Strauser. Nay – none.

Community Comments:

- Council received a thank you from Beth Ivey and friends for installation of the backboard at the tennis court.
- Mayor Hudson received notice of approval of Phase I, planning, for another Downtown Revitalization grant of \$11,400 from DED.
- The break in the 8” water main at 18<sup>th</sup> and Lake Avenue was repaired on Thursday, the 27<sup>th</sup>. Paulsen’s came on Monday and removed the paving panels to determine the voids beneath them caused by running water. Some were repaired with flowable fill and others backfilled. Hopefully the street will be open on Friday, July 5<sup>th</sup>.
- Council member Kennedy thanked the electric crew for tree removal.

Atty. Bacon provided Council with a copy of the Municipal Code regarding the designation of potentially dangerous dogs. The code provides for an informal hearing allowing witnesses and Police Department involvement in the appeal of a charge of *potentially dangerous dog*. Susie Schmeackle requested such a hearing on her dog, Gunner.

Sgt. Langley read his incident report from June 6 when he received a call at 6 p.m. about a dog at-large being aggressive in the 1900 block of Lake Avenue. After exhibiting aggressive behavior to persons and other dogs in the area, Sgt. Langley was able to determine that the dog belonged to Susie Schmeackle and had escaped the home when a door was left open. While he has destroyed dogs in similar situations, he did not destroy the dog that evening but did make contact with the owner. After discussing the incident with her, he told her the requirements to keep a potentially dangerous dog in the city. She has met most of those conditions and takes the dog with her in her employment but has decided to appeal the designation, which stops the process. Therefore, while she has obtained additional insurance, had the dog neutered, had a microchip placed in the dog, and built a covered kennel, the kennel will not be inspected by the Police Dept. until the completion of this determination hearing.

Susie Schmeackle apologized for Gunner getting out. She provided a letter from the Veterinary Clinic stating that the dog has always been friendly and never objected when the doctors administered shots or drew blood. She said Gunner spends time with other animals, including cats, and people come and go from the home and he’s never been vicious. She feels he was scared once he was outside alone and when people tried to catch him he became more scared. Gunner goes on the road with her now and he gets along well with her co-workers and business owner. She also said her neighbor was scared of the dog because he barked and growled when they came on her yard. She introduced the family to Gunner and they are now friends with him.

When asked how the dog is controlled if not at home, Susie said he is on a leash and with her.

Atty. Bacon said in order to be determined a vicious dog, the dog must fit into one of three categories:

- It bites people or other animals.
- It chases or approaches others in a menacing fashion.
- It is known to have a propensity to attack or threaten others.

A potentially dangerous dog can still reside in town but it must be micro-chipped, neutered, and kept in a locked, lidded kennel. The owner is required to carry additional liability insurance, keep the dog muzzled and leashed when in public, and the Police Department must publish notice of the dog.

Council had several comments during discussion:

- Two witnesses saw the dog and the Police felt it was a menacing situation. They understand the dog was probably scared but it still leaves an individual feeling threatened.
- What happens if the dog does accidentally get out again? Then requirements dictate the animal cannot be kept inside city limits and the City is subject to lawsuits.
- Council feels they cannot ignore the fact the dog displayed potential aggression and feels they should follow guidelines so it never happens again.
- Fortunately the dog doesn’t have to be put down. The dog probably was scared at the time but there is no guarantee he will not get out again.

Council thanked Susie for her attitude and appreciated her coming before them.

Susie has done all things required including \$300,000 insurance plus she now takes Gunner on the truck with her. While she understands the Council's position, she wanted to stand up for a good dog. She also asked Council to be mindful of the letter from the veterinarian.

Kennedy moved, Whiting seconded, to uphold the Police Department's determination that the dog owned by Susie Schmeackle, known as Gunner, is a potentially dangerous dog. Roll call vote: Yea – Strauser, Oliver, Whiting, Kennedy. Nay – none.

The 1<sup>st</sup> Baptist Church hosts an annual Family Night for the community. This year it's scheduled for the evening of July 21 and a member has offered a car show through his car club. Plans are not definite but they would like to close a portion of Ave B for the event. Last year there were 50 – 100 kids in attendance and it would be better if the street could be blocked off. The event will be done by 9:30 p.m. Pastor Ivey has talked to two neighbors affected by the closure and they have no objection.

Sgt. Langley expressed concern for the general safety of the community. Car drivers can be distracted or not paying attention for closed street. Blocking a street is a big safety issue. Councilmember Kennedy agreed.

Councilmembers Strauser and Whiting feel this is a community event, not something for a specific group of people.

Mayor Hudson struggles with street closures. We do not allow for parties so where do we draw the line on street closures?

Shane Gruber said City insurance doesn't cover barricades other than City events and work. He also recommended setting the signs further up the street to warn of an upcoming closed street. It's easier to close a full block than a partial one.

Whiting moved, Strauser seconded, to allow 1<sup>st</sup> Baptist Church to close a portion of Avenue B for their July 21 Family Night and to work with Shane Gruber on signage. Roll call vote: Yea – Oliver, Kennedy, Strauser, Whiting. Nay – none.

Kennedy moved, Strauser seconded, to advance Ordinance 883 regarding contiguous lot agreements, to third and final reading. Roll call vote: Yea – Whiting, Oliver, Strauser, Kennedy. Nay – none.

Oliver moved, Kennedy seconded, authorizing signature of an Interlocal Agreement with the Nebraska Game and Parks Commission for the Lake Helen water quality project. Roll call vote: Yea – Whiting, Strauser, Kennedy, Oliver. Nay – none.

Strauser moved, Oliver seconded, approving the Section 504 Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990 policy statement. Roll call vote: Yea – Kennedy, Whiting, Oliver, Strauser. Nay – none.

Anne Anderson spoke to Council about the improved appearance of the northeast corner of Highways 30 and 47 that happened with the assistance of a Downtown Revitalization grant. The committee has some ideas to improve the area even more, calling it the Gothenburg Historic Plaza and installing large historical pictures of the community with explanatory captions. The Lincoln Highway marker will be placed there for everyone to enjoy. Ideas and estimated costs of \$8740 include:

\$580 Banner by Moe's Graphix commemorating the Lincoln Highway centennial

\$7800 Estimated cost of pictures for the north wall. Pictures would be in full color on a 3M material that is fade resistant and attached to the wall with the consent of the building owner.

\$360 Installation of the Lincoln Highway concrete marker, additional lighting, pergola, seating and a tree donated by a City employee. There is no definite time frame but it would be nice to have it completed next year in time for the 100<sup>th</sup> Harvest Festival celebration.

The Chamber's Tourism Committee has \$5000 from lodging tax and is hoping the City will consider matching that sum in the upcoming budget discussions. Sharon Meyer explained the improvement of the corner is a Rotary Club endeavor and they envision a low / no maintenance area. Perhaps the floor can be done next year with pavers and a rock garden. It would be money up front but require little maintenance thereafter.

Council member Oliver said whatever goes there needs to be large enough to see so that folks stop there. Council member Kennedy remembered it's impossible to talk because of the trains but we need to do something so the area becomes functional. He would like to see improvement without a lot of money.

Anne reminded Council that what they presented is an idea, not a plan. She asked Council to consider supporting a \$5000 match for Tourism Committee money.

Mayor Hudson said the \$3768.27 received from ACE was set aside for the corner improvement and Council would try to budget an additional \$1300. The Council supports moving forward with the project.

Kennedy moved, Strauser seconded, approving the appointment of Corey Rossell to the Fire Department. Roll call vote: Yea – Whiting, Oliver, Strauser, Kennedy. Nay – none.

Oliver moved, Kennedy seconded, to pass and approve Resolution 2013-8 reaffirming the water conservation easement with Doug and Stephanie Block for water rights given to the Natural Resources District. Roll call vote: Yea – Whiting, Strauser, Kennedy, Oliver. Nay – none.

Strauser moved, Kennedy seconded, to adjourn the meeting at 8:30 p.m. Roll call vote: Yea – Oliver, Whiting, Kennedy, Strauser. Nay - none. The next regular meeting will be July 16, 2013.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk