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|------------------------|---------------------|
| Present: Mayor –       | Joyce Hudson        |
| Council members        | Jeff Kennedy        |
|                        | Randy Waskowiak     |
|                        | Verlin Janssen      |
| City Administrator     | Bruce Clymer        |
| City Attorney          | Mike Bacon          |
| City Clerk / Treasurer | Connie L. Dalrymple |

Press: *Gothenburg Times* - Beth Barrett

Also present: Ken Christensen, Doug Stevens, Steve Platter

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.

The public hearing on a request for zoning change from Koby Rickertsen was taken up first. Rickertsen is selling his home at 320 West 31<sup>st</sup> Street and would like to separate it from the pasture area thereby creating Lots 1 and 2 of Rickertsen Subdivision. This will require a change in zoning from AG to AG-1 which allows for one-acre plots. The change will include the East One-half of SW Quarter Section 4, Township 11, Range 25, except Lakeview Trailer Court. Planning & Zoning has recommended approval of the request.

Kennedy moved, Waskowiak seconded, to close the hearing at 7:03 p.m. Roll call vote: Yea – Janssen, Waskowiak, Kennedy. Nay – none.

Councilmember Kennedy introduced Ordinance 903 entitled:

*An ordinance of the City of Gothenburg, amending boundaries of zoning districts; defining the changes in such boundaries; ordering the change of the official zoning map to reflect such amendment; repealing all ordinances or parts of ordinances in conflict herewith and providing for an effective date*

and moved that the statutory rule requiring reading on three different days be suspended. The motion was seconded by Council member Janssen and on roll call vote; the following voted “Yea”: Waskowiak, Janssen, Kennedy. “Nay” - none.

Mayor Hudson declared the motion adopted by three-fourths vote of the Council and the statutory rule suspended for consideration of said ordinance. Ordinance 903 was then read by title whereupon Council member Janssen moved for final passage. The motion was seconded by Waskowiak. Mayor Hudson asked the question “*Shall Ordinance 903 be passed and adopted?*” and on roll call vote, the following members voted “Yea”: Kennedy, Waskowiak, Janssen. “Nay” – none.

Mayor Hudson declared Ordinance 903 adopted and signed it in the presence of the council and the Clerk attested the signature.

The public hearing to consider a request to change subdivision regulations to allow for private streets was taken up at 7:06 p.m. After their review, the Planning & Zoning Commission has recommended approval.

The Prairie View Subdivision proposed by Kent Kline is outside corporate limits but within our zoning jurisdiction. Subdivision regulations currently do not allow streets in such subdivisions but as proposed, the plat includes 60 foot easements for streets.

Atty. Bacon cautioned that if Council approves the subdivision, they are approving streets also. If allowed to have privately owned streets, the streets should meet City standards so that if the area is annexed in the future the streets and paving comply with City codes. It should also be understood that the City is not responsible for maintenance or paving unless annexed.

Kennedy moved, Janssen seconded, to close the public hearing at 7:10 p.m. Roll call vote: Yea – Waskowiak, Janssen, Kennedy. Nay – none.

Council member Kennedy introduced Ordinance 904 entitled:

*An ordinance of the City of Gothenburg, amending subdivision regulations related to private streets in subdivisions outside of the City limits, Title XV, Chapter 151, Section 151.050 of the code of ordinances of the City of Gothenburg, Nebraska; repealing all ordinances or parts of ordinances in conflict herewith and providing for an effective date*

and moved that the statutory rule requiring reading on three different days be suspended. The motion was seconded by Council member Waskowiak and on roll call vote the following voted “Yea”: Janssen, Waskowiak, Kennedy. “Nay” - none.

Mayor Hudson declared the motion adopted by three-fourths vote of the Council and the statutory rule suspended for consideration of said ordinance. Ordinance 904 was then read by title whereupon Council member Waskowiak moved for final passage. The motion was seconded by Janssen. Mayor Hudson asked the question “*Shall Ordinance 904 be passed and adopted?*” and on roll call vote, the following members voted “Yea”: Kennedy, Janssen, Waskowiak. “Nay” – none.

Mayor Hudson declared Ordinance 904 adopted and signed it in the presence of the council and the Clerk attested the signature.

Waskowiak moved, Janssen seconded, approval of the Prairie View Subdivision contingent upon receipt of the final plat. Roll call vote: Yea – Kennedy, Janssen, Waskowiak. Nay – none.

The public hearing on approval of proposed zoning amendments per Hanna:Keelan Associates review was taken up at 7:12 p.m.

The Council and Planning & Zoning Commission has been working with Lonnie Dickson of Hanna:Keelan Associates to amend the subdivision regulations. While reviewing the final proposal Administrator Clymer found some corrections and changes, most of them are spelling and date corrections but some will require Council discussion such as:

- Page 11 - the definition of porches – front setbacks can’t be enclosed
- Page 60 – accessory uses: eaves must be a minimum of two feet from the lot line.
  - free standing and/or metal carports can only be in the rear yard.
  - Changed #3 to one acre and to allow three accessory use structures with no more square footage than 50% of the first floor of the home, and changed #4 to larger than one acre accordingly.

The intent of the accessory use maximums is to eliminate accessory use buildings that are bigger than the accompanying house. Discussion was had on increasing the allowance to 100% of the first floor because it would still be limited by lot coverage regulations. Several examples were discussed because Council does not intend to discourage building. Administrator Clymer did not object to changing the accessory use maximum to 100% of the accompanying home first floor square footage.

Part of the new subdivision changes include airport zoning which is a new section of our code. They will affect All Points Co-op’s proposed construction of grain bins along the railroad. Discussion was then had on waiving the three readings but Ken Christensen commented that this is the first time he’s seen the proposal and feels the public should have time to review it before passage.

Since Co-op wants to start the bid process for their bins in January for spring construction it’s possible to separate the Airport Zoning from the proposed code amendment. All council members agree the intent is not to delay Co-op construction but the entire amendment is important.

Other changes included:

- Page 62 (d) projections into the front setback, such as porches. Kennedy felt porches should not be enclosed because they often do not have the proper foundation to support a fully enclosed living area and, in many cases they would exceed setbacks.
- Page 63 regarding height regulations
- Page 70 adding AG-1 to district regulations regarding signage and adding a provision for home occupations with a special use permit.

Ken Christensen did not approve of removing toilets from accessory buildings because it would also eliminate floor drains.

Kennedy moved, Waskowiak seconded, to close the hearing at 7:45 p.m. Roll call vote: Yea – Janssen, Waskowiak, Kennedy. Nay – none.

Kennedy moved, Janssen seconded, to introduce Ordinance 905 with Attachment A as offered by Administrator Clymer. Roll call vote: Yea – Waskowiak, Janssen, Kennedy. Nay – none.

Waskowiak moved, Janssen seconded, approving the consent agenda that included:

- City Council minutes – November 18
- Police Report - November
- Building Permit Report – November
- Treasurer’s Report - November

Roll call vote: Yea – Kennedy, Janssen, Waskowiak. Nay – none.

Kennedy moved, Janssen seconded, allowing payment of claims against the City, \$46,332.48 with the correction to Lake Tech for \$5435 instead of the \$15,125; Public Works Division \$504,349.37; and the December 4 payroll of \$33,386.19. Roll Call vote: Yea – Waskowiak, Janssen, Kennedy. Nay - none.

Community Comments:

- The new Bobcat mini-excavator and trailer was delivered on Thursday and put into use repairing a water valve on Saturday. The vehicle will be trailered to job sites.
- The City will close Christmas Eve afternoon but will be open on Friday, the 26<sup>th</sup>.

Janssen moved, Kennedy seconded, to pass and approve Ordinance 898 vacating a portion of 6<sup>th</sup> Street west of 1<sup>st</sup> Ave on third and final reading. Roll call vote: Yea – Waskowiak, Kennedy, Janssen. Nay – none.

Kennedy moved, Waskowiak seconded, to pass and approve Ordinance 899 vacating the platted alley in Block 3, Hiles & Reynolds Addition on third and final reading. Roll call vote: Yea – Janssen, Waskowiak, Kennedy. Nay – none.

Janssen moved, Waskowiak seconded, to pass and approve Ordinance 900 vacating a portion of 4<sup>th</sup> Street west of 1<sup>st</sup> Avenue on third and final reading. Roll call vote: Yea – Kennedy, Waskowiak, Janssen. Nay – none.

Kennedy moved, Waskowiak seconded, to advance Ordinance 901 vacating the easement on 14<sup>th</sup> Street on the west side of the alley west of Avenue A, to third reading. Roll call vote: Yea – Kennedy, Janssen Waskowiak. Nay – none.

Janssen moved, Kennedy seconded, to pass and approve Resolution 2014-17 naming the street west of Blocks 5, 9, and 12 in Hiles & Reynolds Addition, 1<sup>st</sup> Avenue and the street west of Blocks 4, 10, and 11, Hiles & Reynolds Addition 2<sup>nd</sup> Avenue. Roll call vote: Yea – Waskowiak, Kennedy, Janssen. Nay – none.

Kennedy moved, Waskowiak seconded, approval of the manager application for James E Larson, Jr at Shopko Hometown 698 in Gothenburg. Roll call vote: Yea – Janssen, Waskowiak, Kennedy. Nay – none.

Waskowiak moved, Janssen seconded, approving Mayor Hudson’s recommendation to appoint Jason Wagner to complete the term vacated by Deb Mroczek on the Planning & Zoning Commission. Roll call vote: Yea – Kennedy, Janssen, Waskowiak. Nay – none.

Doug Stevens operates a vehicle repair shop on the corner of Ave F and Highway 30. He received notice from the Police Dep’t to remove a dismantled pick-up from Avenue F. He asked Council for a permit or permission to park vehicles on the street while he rebuilds the engines. The maximum time he would park them on the street would be 30 days.

Stevens was informed that there is no such permitting process and that there is a code that does not allow inoperable vehicles on the street. All Points Co-op owns the property along the railroad right-of-way and may allow temporary parking for Stevens.

Administrator Clymer prepared an updated fees resolution that makes these changes:

- Adds trailer parking permits per Ordinance 893
  - 10 days \$10.00
  - 30 days \$25.00
- Changes time on permits for peddlers from 30 to 90 days to comply with state statute
- Removes the gavel opening fees referenced by digger contract to:
  - Grave openings \$475.00
  - Grave openings – infants \$275.00
  - Cremations \$250.00
  - Extra fee for Holiday and Sunday closings \$300.00

- Changed rental of the power monitor to \$50 / week instead of by the hour
- Added rental of the mini-excavator \$50 / hour

Janssen moved, Kennedy seconded to pass and approve Resolution 2014-18 updating user fees. Roll call vote: Yea – Waskowiak, Kennedy, Janssen. Nay – none.

Kennedy moved, Janssen seconded, allowing pay request number two in the amount of \$205,134 to Myer Construction for work on Lake Helen. Roll call vote: Yea – Waskowiak, Janssen, Kennedy. Nay – none.

United Private Networks provides private fiber connections between buildings and has requested a License to Maintain their fibers in the alley and a pole agreement for use of power poles to provide service from the First State Bank to the First State Auto Bank.

Kennedy moved, Janssen seconded, to authorize signature of a pole agreement and license to maintain with United Private Network. Roll call vote: Yea – Janssen, Kennedy. Nay – none.

Administrator Clymer proposed an updated utility rate ordinance that will increase utility deposits from \$100 per residence to \$200 and from \$200 to \$300 for commercial businesses. The increase is intended to reduce the amount of unpaid utility bills after the current deposit is applied. The deposit can still be waived with references from two prior utility companies. Deposits will continue to be refunded to the customer's account after one year with no more than one late payment.

The proposal also increases sewer rates approximately 5% as budgeted. The increase is intended to offset the cost of the sewer work being done. Rates will be:

- \$31.75 up from \$30.25 for residences
- \$41.30 up from \$39.35 for commercial
- \$110.00 up from \$105.00 for motels
- \$320.00 from \$305.00 for schools and motels.

Rates will be effective January 1, 2015.

Kennedy moved, Waskowiak seconded, introduction of Ordinance 906 regarding utility rates. Roll call vote: Janssen, Waskowiak, Kennedy. Nay – none.

Kennedy moved, Waskowiak seconded, to adjourn the meeting at 8:17 p.m. Roll call vote: Yea – Janssen, Waskowiak, Kennedy. Nay – none. The next regular meeting will be January 6, 2015.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk