

Present: Mayor –	Joyce Hudson
Council members	Jeff Kennedy
	Randy Waskowiak
	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: Darlene Sitorius, Shane Gruber, Joe Humphrey, Atty. Steve Vinton, Anne Anderson, Richard Kennicutt, Walter Schultz Jr., Walter Schultz, Dennis Meredith, Robert Lauer

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 hearing on a proposed zoning change of the Hospital / Crestview / Hilltop area between Ave H and Ave J, 20th to 22nd Streets from R-2 to Public was taken up. The area consists of four square blocks. As currently zoned any improvement or expansion in the area requires the process and approval of a special use permit and the property use is primarily public in nature. The Planning & Zoning Commission has recommended approval of the rezoning.

Brief discussion was had and a motion was made by Kennedy, seconded by Strauser, to close the hearing at 7:04 p.m. Roll call vote: Yea – Whiting, Waskowiak, Strauser, Kennedy. Nay – none.

Whiting moved, Kennedy seconded, to approve the recommended zoning change from R-2 to Public for the four block area of the Hospital / Crestview / Hilltop area between Ave H and Ave J, 20th to 22nd Streets. Roll call vote: Yea – Strauser, Waskowiak, Kennedy, Whiting. Nay – none. Atty. Bacon will draft the necessary ordinance for the next meeting.

The hearing on the proposed zoning change for a parcel east along Highway 30 and Road 413 that includes three homes on the north side of Highway 30, from Agriculture to AG-1 which allows homes without agricultural use, was taken up at 7:05 p.m.

When a home sells in this area, the title insurance companies are concerned that none of the properties meet the five acres required in an AG zone. AG-1 allows one acre properties; however, AG-1 does not allow non-domesticated animals on less than three acres. One owner has animals at the present time. Following discussion with the owners at the Planning & Zoning Commission hearing, the Commission has recommended that no change be made.

Waskowiak moved, Strauser seconded, to close the hearing at 7:06 p.m. Roll call vote: Yea – Whiting, Kennedy, Strauser, Waskowiak. Nay – none. No further action was taken.

The public hearing on Special Use Permit 128 was taken up immediately. Darlene Sitorius has requested allowance of the eight foot section of fencing she has installed at her home at 2412 Avenue G, an R-2 district. Her building permit, #5341, specified installation of six foot fence on the north and south sides of her backyard property. Planning & Zoning had a lengthy discussion and was concerned about setting precedence for other 8 foot fences; however, the code does allow higher fences with a special use permit and they ultimately recommended approval.

Mrs. Sitorius said she did intend to put six foot fence at the deck but the installer, Country Estates, said she couldn't do it. Since the deck is two feet off the ground the fence height would be four feet and children could crawl over it. The eight foot panel is set in on the property while the rest of the fence, at six feet, is at the property line.

Council members also expressed concern with the precedent of allowing the fence, feeling there are probably other home owners in a similar situation that would have liked to have a higher fence. Administrator Clymer said Planning & Zoning members felt the fence is different than usual because the higher panel is set in from the property line, aligning with the house, and their recommendation for approval was contingent upon the rest of the fence remaining on the property be at six feet. The only thing visible from the street is the gate and the six foot fence on the property line.

Strauser moved, Waskowiak seconded, to close the public hearing at 7:16 p.m. Roll call vote: Yea – Kennedy, Whiting, Waskowiak, Strauser. Nay – none.

Strauser moved, Whiting seconded, to allow the request for an eight foot fence panel per Special Use Permit #128. All other fence on the property will remain at six feet per the Planning & Zoning Commission recommendation. Roll call vote: Yea – Kennedy, Waskowiak, Whiting, Strauser. Nay – none.

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

- City Council minutes – August 5
- Police Report - July
- Building Permit Report - July
- Cemetery Board minutes – May 5
- Treasurer’s Report – July
- Planning & Zoning Commission minutes August 12

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

Waskowiak moved, Kennedy seconded, allowing payment of claims against the City, \$55,540.77; Public Works Division \$435,236.64; and the August 14 payroll of \$55,848.26. Roll Call vote: Yea – Strauser, Whiting, Kennedy, Waskowiak. Nay - none.

Community Comments:

- Officer Ryan Randolph has resigned his position as of August 27. He had an opportunity for a good position elsewhere. He is the second officer to resign within a month or so. We have had a stable police force since 2003. Chief Olson is advertising for two officers and has had interest.

As City Prosecutor, Atty. Steve Vinton acted as the hearing officer. He had been notified that Walter Schultz Jr. had requested a determination hearing to appeal a potentially dangerous dog charge. The charge against his dog resulted from an incident on July 19 when Officer Humphrey received a call that the property owner at 1212 Ave A saw two dogs in the rabbit enclosure and she could not see the rabbit. When yelled at, the bigger dog jumped and ran under a trampoline near the alley and the little dog was left in the hutch with a dead rabbit. Officer Humphrey removed the dog from the enclosure with a catch pole because he could not reach it over the fence. He was holding the dog when Walter Schultz JR identified the dog as his. Pictures of the rabbit hutch, the rabbit, and two dogs on private property not owned by the dog owners were available. Mr. Schultz’s dog, a Malteze mix, had a 2013 tag and Officer Humphrey explained that the dog would be impounded as being at-large and without current tags. He then went the direction the larger dog was last seen going and found the Rottweiler mix dog in the area of 918 Ave B. He contacted the owners and cited them for having a dog at large with no current tags. He then cited both owners for having potentially dangerous dogs based on code 90-031(b) as they had killed a domestic animal while off their own property.

Mr. Schultz said his little dog could not have made the hole in the rabbit hutch fence 6” to 18” off the ground and that his neighbor also has rabbits and the dog never harmed them in any way. Officer Humphrey confirmed that the dog was passive toward him. He does not know that the little dog killed the animal but evidence suggests it was involved because it was found inside the rabbit enclosure.

Atty. Vinton stated that the dog was within the definition of the code for potentially dangerous dogs and therefore the Council should make their determination based on the code.

Chief Olson said that in order to harbor a dog deemed dangerous, it had to be neutered, muzzled when in public, and the owners must carry \$300,000 liability insurance, among other requirements regarding housing. Mr. Schultz was made aware of, and agreed to, the muzzle requirement when the dog was released to him. It is now in Council Chambers and is not muzzled.

Discussion was had and it was noted that there did not appear to be any trauma or lacerations to the rabbit and there was no blood on the rabbit or the dog. The rabbit’s fur was wet from saliva. The owners of the Rottweiler had the dog put down because they did not want to pursue a hearing, they agreed it was a potentially dangerous dog, and they could not afford the cost of code compliance.

According to Atty. Vinton, while it does not appear the Schultz dog is vicious, the fact remains the dog was in the enclosure and the rabbit was dead, therefore it fits the description in the ordinance.

Kennedy moved, Whiting seconded, to declare the Schultz dog potentially dangerous under the City of Gothenburg code. Roll call vote: Yea – Waskowiak, Whiting, Kennedy. Nay – Strauser.

Kennedy moved, Waskowiak seconded, to pass and approve Ordinance 891 on third and final reading. Roll call vote: Yea – Strauser, Whiting, Waskowiak, Kennedy. Nay – none.

Whiting moved, Strauser seconded, to advance Ordinance 893 regarding permitting construction trailers, to third and final reading. Roll call vote: Yea – Kennedy, Waskowiak, Strauser, Whiting. Nay – none.

At the July 8 meeting Dennis Meredith came before Council to explain the status of the unfinished construction on his home at 123 5th Street. He had agreed to complete the structure as soon as possible and report to Council on August 19.

Mr. Meredith said all siding had been applied to the home except six sheets. They were damaged on arrival and the replacement should arrive next week. Once he receives it he should have it up in three to four days and be finished except for the area that will have stone.

Since the siding was to be complete by August 19 and isn't, the Building Inspector will check progress and if not complete by September 2 it will be put back on the agenda for that meeting.

Kennedy moved, Waskowiak seconded, approving the automatic renewal of the Nebraska Barn & Grill Class C liquor license. Roll call vote: Yea – Whiting, Strauser, Waskowiak, Kennedy. Nay - none.

The school requested an ADA accessible parking space on 16th Street on the north side of the football field by the new bleachers. The school will have the curb ground and sidewalk lowered to meet ADA specifications. The city will provide the paint.

Strauser moved, Whiting seconded, to pass and approve Resolution 2014-11 authorizing installation of an ADA accessible parking space as requested by the school. Roll call vote: Yea – Waskowiak, Kennedy, Strauser, Whiting. Nay – none.

Waskowiak moved, Kennedy seconded, approving the Mayor Hudson's recommended appointment of Curt Carskadon to the Cemetery Board to complete the term vacated by the passing of Pam Houchin. His term will expire in January 2017. Roll call vote: Yea – Strauser, Whiting, Kennedy, Waskowiak. Nay – none.

The State Crime Commission requested a copy of our current policy to review for compliance with recently updated State Racial Profiling Policy. We were then required to bring our policy into compliance with the State regarding traffic stops.

Waskowiak moved, Kennedy seconded, approving the updated Bias Based Policing Policy. Roll call vote: Yea – Whiting, Strauser, Kennedy, Waskowiak. Nay – none.

Whiting moved, Strauser seconded, to have the 2014-15 budget work session on Tuesday, August 26 at 4:00 p.m. and the budget public hearing on September 16, 2014 at 7:00 p.m.. Roll call vote: Yea – Waskowiak, Strauser, Whiting, Kennedy. Nay- none.

The Harvest Festival will be September 18th, 19th, and 20th. Events include a dog show on the 18th in Ehmen Park, kids parade on Friday, the 19th at 4:30 p.m. on 16th Street between Lake Avenue and Ave F and the Festival Parade on the 20th using the same route as in the past. Other events will be a peddle pull and Arts in the Park including food vendors.

Kennedy moved, Whiting seconded, approving the proposed September 20 Harvest Festival events including use of Lake Avenue / Highway 47, from 27th Street to 9th Street for the parade. The event will be from 8:00 a.m. to 1:00 p.m. The City will meet all requirements of Subsection (2) of LB589/NRS 39-1359. Roll call vote: Yea – Waskowiak, Strauser, Whiting, Kennedy. Nay – none.

Kennedy moved, Strauser second, to adjourn the meeting at 8:14 p.m. Roll call vote: Yea – Whiting, Waskowiak, Strauser, Kennedy. Nay - none. The next regular meeting will be September 2 , 2014.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk