

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

Press: *Gothenburg Times* - Beth Barrett

Also present: Shane Gruber, Brad Widick, Matt Weiss, Nate Wyatt, Joe Humphrey, Karl Randecker, Tim Franzen, Steve Peterson, Jon Seimer, Jamie Steuben, Dave Jeffries

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.

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

- City Council minutes – July 7
- Building Report – May & June
- Library Director’s report – May thru July
- Police Report - June
- Planning & Zoning Commission minutes – July 14
- Treasurer’s Report - June

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

Waskowiak moved, Richeson seconded, allowing payment of claims against the City, \$79,159.61; Public Works Division \$412,270.72; and the July 16 payroll of \$45,529.37. Roll Call vote: Yea – Janssen, Kennedy, Richeson, Waskowiak. Nay - none.

Community Comments:

- The Council Chambers sound system is not working.
- Lake Helen is full to the same level it was prior to construction. Vegetation can be seen but after a freeze / thaw cycle it should go away. The islands are three feet under water.
- A switch broke during power switching under the direction of Kearney’s NPPD office causing a pole fire, broken insulators, and a brief power outage. Kearney was able to throw a breaker to restore power. Fortunately our employees were wearing fire resistance clothing.

Several years ago the City leased the Pony Express Station to the Chamber for \$1500 per year. Last year a portion of the lease was waived since the operation isn’t very profitable. More than profitability, the City appreciates having an organization capable of running the station. Part of the lease is that the Chamber cleans, locks, and unlocks the restrooms, and provides information to tourists on many things as well advertising the community and Pony Express Station. The proposed contract is the same as the previous except that it is for one year and the lease is \$1.00 / year.

Waskowiak moved, Kennedy seconded, to authorize signature of the proposed contract with the Chamber of Commerce for operation of the Pony Express Station for one year at \$1.00. Roll call vote: Yea – Richeson, Janssen, Kennedy, Waskowiak. Nay – none.

Both Police Chief Olson and Fire Chief Mark Ballmer received concerns about fireworks being discharged from the roof of a downtown building. There is nothing in the Municipal Code that prohibits it but both men feel the Council should consider an ordinance prohibiting discharge of fireworks within the fire limits which is the core downtown area. Open burning is already prohibited in the area due to the close proximity of buildings, tar roofs, and buildings with common walls.

Discussion was had and it was suggested the area be expanded to include other areas such as along Highway 30. Chief Olson will talk with Fire Chief Ballmer and bring the issue back to Council for further discussion before formulating any ordinance.

Nate Wyatt, Chairman of the Community Redevelopment Authority, spoke with Council about the unopened alley on the north side of Blocks 2 and 3 in Hilltop Estates Subdivision, the north side of Deerfield Apartments. According to Atty. Bacon, the alley is platted at 20 feet on the west but due to a platting error years ago the alley narrows to 10 feet adjacent to Deerfield Apartments and the south 10 feet is an easement that now contains playground equipment. The apartment owner is not interested in selling the easement property for the alley.

Jon Seimer has purchased the property at 1101 25th Street and would like the alley opened for the convenience of access to the back of his property. Jamie Steuben, property owner at 1019 25th Street, would also like the alley opened.

Following discussion a motion was made by Janssen, seconded by Kennedy, directing the City Attorney to move forward with the process necessary to obtain title to the 10 foot easement from the owner of Deerfield Apartments to open the alley north of Blocks 2 and 3 in Hilltop Estates Subdivision. Roll call vote: Yea – Richeson, Kennedy, Waskowiak, Janssen. Nay – none.

Dave Jeffries of Paulsen's, Inc. along with Karl Randecker and Tim Franzen of First State Bank spoke with Council about a renovation being planned for First State Bank. JEO Consulting Engineers has suggested the bank construct an enclosed vestibule and exterior walk area from the alley where the current employee entry door is on the north side of the bank. It is a safety solution for employees entering and exiting the bank into alley traffic. Construction would make use of a jog in the building but would require three feet 10 inches of alley right-of-way. The addition would be five feet eight inches by eight feet long with a 12 foot sidewalk on the east. Further west, behind Peterson's Supermarket, pallets, cardboard bundles and trash dumpsters extend four feet into the alley so they don't feel the proposed construction would be an issue.

During discussion several points and questions were made by the Council:

- There is an open area north of Peterson's that allows traffic to avoid the dumpsters if necessary but there is another building north of the alley by the bank.
- The alley is heavily used and accommodates commercial vehicles that require all the space available.
- There is a natural gas line in the alley on the north and a storm sewer on the south. There is no water or sewer lines but there may be telephone lines.
- Understanding the bank's needs and wishing to accommodate could well cause regrets in the future. This fact has been proven many times in similar situations where the City or private owners have given up property. It's never a good idea to set a precedent that may cause future issues with other requests.
- Could the door be on the west side of the building by obtaining property from Gothenburg State Bank?
- Could a stair case in the bank be eliminated to make better use of the space by accommodating the entry way? Mr. Jeffries responded that the Fire Code requires two sets of stairs since they are moving offices upstairs and re-arranging the main floor.
- The addition intruding into the alley would obstruct the cross traffic sight line.

Mr. Randecker acknowledged that all are valid concerns.

While appreciative of the investment the bank is making in the community and business, it was the consensus of the Council that the request to vacate a portion of the alley be respectfully denied.

Richeson moved, Waskowiak seconded, approving pay request #7 and allowing payment of \$24,165.77 to Van Kirk Brothers Construction for sanitary sewer improvements. Roll call vote: Yea – Janssen, Kennedy, Waskowiak, Richeson. Nay – none.

At 12:15 p.m. on July 8 Officer Humphrey received a call that two dogs were loose and a complaint that the white Husky dog was going after another dog. He then received a call that Jackie Widick was looking for her Husky dogs that had no rabies vaccinations. The dogs were later found at Time Saver and having no city tags or vaccinations they were taken to Eastside Animal Clinic. An employee at Eastside received a call from Sharon Freisenborg who said a dog had attacked her poodle and she brought it in for care.

At that point Officer Humphrey contacted Mrs. Friesenborg and she identified the dog in custody as the one that attacked her poodle. She saw two dogs run past her and found them in her garage where they had cornered her poodle. The black and white husky dog had her poodle in its mouth and was shaking it.

Officer Humphrey then contacted Jackie Widick and told her her dogs were at Eastside and that once they received their rabies vaccination she could get the white dog but the black and white dog would have to stay at the clinic because it had attacked another dog.

The Friesenborg poodle had a shaved area on its shoulder with obvious wounds and abrasions. The veterinarian did not stitch the wounds but asked the owner to bring it back for a checkup. Officer Humphrey cited Jackie Widick for the actions of her dog. Council member Richeson asked if the dog had been aggressive toward him and Officer Humphrey said it had not.

Brad Widick, owner of the dogs, told Council that Husky dogs are not bred to hunt or fight but when they got out, they were out of their element. The dog is used for breeding and is currently on his second set of puppies. Widick would like him returned intact, for future breeding purposes. The dog is a first time offender and Widick has posted a 'Beware of Dog' sign, installed at six foot fence with a light electrical fence at the bottom, and filled all the holes where the dogs got out. When questioned, he said it was an oversight that the dogs were not vaccinated and did not have city tags.

Atty. Bacon said the statute defines a potentially dangerous dog as one that when unprovoked bites a human or domestic animal. According to our ordinance such dogs are to be registered with the Police Dep't, have current rabies vaccinations, have a microchip implanted, carry liability insurance, and be neutered. The Council's options are to determine whether or not the actions of the dog do or do not meet the definition of potentially dangerous dog.

Councilmember Kennedy said that while these issues are not fun for the Council he feels the dog meets the definition of '*potentially dangerous dog*' according to the ordinance we have in place. The question is clearer when it involves other people's property.

Councilmember Janssen commented that unfortunately the actions of the dog do meet the code as potentially dangerous. He works with Mr. Widick but a similar situation came before the council a month ago and he is hard pressed to change his mind this time.

When questioned, Atty. Bacon said the code says the dog 'shall' be neutered within 30 days or be removed from City limits.

Richeson moved, Kennedy seconded, to uphold the Police Department's declaration that the Widick's dog is potentially dangerous. Roll call vote: Yea – Waskowiak, Janssen, Kennedy, Richeson. Nay – none.

Waskowiak moved, Kennedy seconded, to adjourn the meeting at 7:53 p.m. Roll call vote: Yea – Waskowiak, Janssen, Kennedy, Richeson. Nay - none. The next regular meeting will be August 4, 2015.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk