

Present: Mayor –	Joyce Hudson	Absent: Council member Jim Aden
Council members	Jeff Kennedy	City Administrator Bruce Clymer
	Roger Dudley	
	Jeff Whiting	
City Clerk	Connie L. Dalrymple	
City Attorney	Mike Bacon	
Police Chief	Randy Olson	

Press: Gothenburg Times - Beth Barrett

Also present: Shane Gruber, Joyce Kolbo, Rick & Mary Whitney, Anne Anderson

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.

Kennedy moved, Whiting seconded, to approve the consent agenda that included:

- City Council minutes – November 6
- Treasurer's report – October 2007
- Annual Treasurer's report
- Library director's Report – November 20

Roll call vote: Yea - Dudley, Whiting, Kennedy. Nay - none. Absent and not voting – Aden.

Dudley moved, Kennedy seconded, allowing payment of the claims against the City, \$40,800.69; Public Works Division \$225,911.78; and the November 15 payroll of \$27,987.51. Roll call vote: Yea – Whiting, Kennedy, Dudley. Nay - none. Absent and not voting – Aden.

**Open Forum:**

- Building Inspector Shane Gruber will look at the Chamber's sign on West Highway 30 at the county line and determine what repairs are needed.
- Holiday Magic will be Saturday evening from 5:00 to 8:00. The Jingle Bell Parade will begin at Ehmen Park. The Chamber will set barricades at 9<sup>th</sup> Street and 11<sup>th</sup> Street on Lake Avenue.
- Many good comments have been received on the dirt removal at E G West Park.

Discussion was had on the proposed user fees, deposits, and rents for city services and equipment. The insurance company has recommended we not rent barricades and that fee will be removed from the resolution. The new rates will become effective January 1, 2008.

Kennedy moved, Whiting seconded, to pass Resolution 2007-16 updating user fees, rents, and deposits. Roll call vote: Yea – Dudley, Whiting, Kennedy. Nay – none. Absent and not voting – Aden.

Discussion was had with Ken Christensen about access to the northerly part of Lot 21, Country Acres. He recently acquired the landlocked property and has discussed the possibility of an easement or alley on city property on the east side of the water tower. Tri-S, Inc was the original owner and Atty. Bacon has discovered that the City did not approve mortgage on the southerly portion of the lot where the Pine View Apartments stand. This action effectively split the property when Tri-S bankrupted. There is a state statute that allows Christensen to force an easement from the owner, now Pine View Apartments.

Atty. Bacon does not recommend allowing an alley for the benefit of one owner and it's difficult to maintain a dead end alley. He does not recommend an easement because, by law, the easement holder rights are superior to the landowner granting the easement. For example, if the City works on the well or water tower, Christensen could force them to vacate the area to allow him immediate access. Atty. Bacon would be more in favor of a license to maintain that would allow Christensen access, but prefers access be gained from the apartment complex owner. Any license or easement given should preserve all the City's rights and needs.

Since access is an immediate concern, Atty. Bacon was asked to draft a license that will protect the City and Christensen. It will be temporary, thus forcing action by the owner of the southerly portion of lot 21. The draft document will be given to Council members to review before approval.

Atty. Bacon presented an ordinance based on the Sexual Predator Residency Restriction Act. Discussion was had and a notice of 60-days will be allowed for such residents to vacate.

Council member Dudley introduced Ordinance 821 entitled:

*An ordinance to adopt sexual predator residency restrictions; to prohibit certain persons subject to the sex offender registration act and defined as sexual predators from residing in certain areas within the city; to establish penalties for violations; to repeal conflicting ordinances and sections and to provide an effective date*

and moved that the statutory rule requiring reading on three different days be suspended. The motion was seconded by Council member Whiting and on roll call vote, the following voted “Yea”- Kennedy, Whiting, Dudley. “Nay” – none. Absent and not voting – Aden.

Mayor Hudson declared the motion adopted by a three-fourths vote of the Council and the statutory rule suspended for consideration of said ordinance. Ordinance 821 was then read by title whereupon Council member Dudley moved for final passage and Council member Kennedy seconded the motion.

Mayor Hudson asked “*Shall Ordinance #821 be passed and adopted?*” On roll call the following voted “Yea” – Whiting, Kennedy, Dudley. “Nay” – none. Absent and not voting – Aden. Mayor Hudson declared Ordinance 821 adopted and signed it in the presence of the Council and the Clerk attested the signature.

The Planning and Zoning Commission considered the Green Acres Subdivision and have recommended the Council approve it also. Kennedy moved, Dudley seconded, to approve the Green Acres Subdivision, an area of three lots at 4<sup>th</sup> Street and Highway 47. Roll call vote: Yea – Whiting, Dudley, Kennedy. Nay – none. Absent and not voting – Aden.

Two bids were received for a 2008 police cruiser:

Ford Interceptor 3-door Sedan thru Pony Express Chevrolet	\$20,009.00
2008 Chevrolet Impala Police 4-door Sedan thru Pony Express Chevrolet	\$20,545.18

Discussion was had and a motion made by Kennedy, seconded by Dudley to approve the purchase of a Chevrolet Impala cruiser from Pony Express Chevrolet as bid, citing availability of local service. Roll call vote: Yea – Whiting, Dudley, Kennedy. Nay – none. Absent and not voting – Aden.

Two bids were received from Pony Express Chevrolet for a pick-up with utility box to be used by the water and sewer departments:

2008 Chevrolet Silverado 2500 extended cab	\$29,620.14
2008 Ford Super Duty F250 super cab	\$29,660.00

The current water / sewer pick- up is a smaller vehicle and does not have power required to tow the sewer jet and other equipment, especially on icy streets. The current water pick-up is now the Parks Dept pick-up but the box is in bad shape as it was on a previous truck. A local dealer simplifies service.

Dudley moved, Kennedy seconded, to purchase the Chevrolet Silverado from Pony Express Chevrolet as bid. Roll call vote: Yea – Whiting, Kennedy, Dudley. Nay – none. Absent and not voting – Aden.

It has been a long standing issue with the swimming pool guards that they cannot see the pool from the existing east platform chair due to sun glare on the water. Pool size also warrants an additional chair proposed to be placed on the west side of the pool at the south end of the deep water. It is similar to existing chairs and costs \$2150. City personnel will install it.

Dudley moved, Whiting seconded, to purchase the lifeguard chair from KDA Paragon, Inc. as bid. Roll call vote: Yea - Kennedy, Whiting, Dudley. Nay – none. Absent and not voting - Aden.

Discussion was had on Chapter 9 building regulations, specifically commercial and industrial inspections. It is proposed that the engineer or architect provide the inspections for those buildings requiring a set of engineer stamped plans. Atty. Bacon opposed the proposed due to the financial impact on the builders. Discussion was had and the matter tabled until the December 4 meeting.

Kennedy moved, Dudley seconded, to adjourn the meeting at 7:55 p.m. Roll call vote: Yea – Whiting, Dudley, Kennedy. Nay – none. Absent and not voting – Aden. The next regular meeting will be December 4 at 7:00 p.m.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk