

Regular City Council Meeting
City Council Chambers

April 21, 2009
7:00 p.m.

Present: Mayor – Joyce Hudson
Council members Jeff Kennedy
Jim Aden
Tim Strauser
Jeff Whiting
City Administrator Bruce Clymer
City Clerk Connie L. Dalrymple
City Attorney Mike Bacon

Press: Gothenburg Times - Beth Barrett

Also present: Tim Lauer, Casey Kenning

Mayor Hudson opened the meeting and four 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 from Stone Hearth Estates was taken up first. The request is to change a portion of the area currently designated *Public* to *R-3* to accommodate the construction of garages for the use of Stone Hearth tenants. The area is a tract in Block 22, Lake View Addition, from the west boundary of 110 20th Street west to the roadway northwesterly off 20th Street.

The purpose of the public hearing for a special use permit from Stone Hearth was to allow construction of garages at 110 20th Street. Such construction in an R-3 zone requires a special use permit. Brief discussion was had.

The public hearing to consider updating zoning and subdivision regulations was closed at 7:04 p.m. Roll call vote: Yea – Whiting, Strauser, Aden, Kennedy. Nay – none. The Planning & Zoning Commission has not finished their review of the proposal. When they do make recommendation to the Council a public hearing will be held to consider the proposal.

The purpose of the final public hearing was to consider a redevelopment plan for the Goshen 2nd Subdivision to capture the incremental taxes for payment of the street improvements in the subdivision. Brief discussion was had.

The public hearings for a requested zone change on 20th Street, Special Use Permit for 110 20th Street garages, and the redevelopment plan in Goshen 2nd Subdivision were closed at 7:08 p.m. Roll call vote: Yea – Kennedy, Aden, Strauser, Whiting. Nay – none.

Aden moved, Kennedy seconded, to approve the zone change as requested by Stone Hearth Estates at 110 20th Street. Roll call vote: Yea – Whiting, Strauser, Kennedy, Aden. Nay – none.

Aden moved, Kennedy seconded, approving the special use permit as requested by the owners of Stone Hearth Estates. Roll call vote: Yea – Strauser, Whiting, Kennedy, Aden. Nay – none.

Aden moved, Whiting seconded, to pass and approve Resolution 2009-8 approving the Redevelopment Plan for Goshen 2nd Subdivision. Roll call vote: Yea – Kennedy, Strauser, Whiting, Aden. Nay – none.

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

City Council minutes – April 7

Treasurer’s Report – March

Board of Adjustment minutes – April 10

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

Aden moved, Kennedy seconded, allowing payment of the claims against the City, \$34,577.03; Public Works Division \$287,489.57; and the April 16 payroll of \$31,216.31. Roll call vote: Yea – Whiting, Aden, Kennedy, Strauser. Nay - none.

OPEN FORUM:

- Arbor Day will be celebrated Friday, April 24 at 1:00 p.m. in EG West Park.
- Construction projects are proceeding. An additional crew will be working on the Avenue I sewer to get it finished. Sargent Drilling is pulling the dewatering wells. Paving on Jefferson Street paving on 5th Street is almost finished.

Whiting moved, Kennedy seconded, to pass and approve Ordinance #844 on third and final reading. The ordinance transfers property west of 110 20th Street to the Redevelopment Authority for ultimate sale to Stone Hearth Estates. Roll call vote: Yea – Strauser, Aden, Kennedy, Whiting. Nay – none.

A section has been added to Ordinance 845 to allow dumpsters that are a usual and routine size and are part of usual and routine trash collection to sit along rights-of-way including alleys. Strauser moved, Kennedy seconded, to advance Ordinance 845, as amended, to 3rd and final reading. Roll call vote: Yea - Whiting, Aden, Kennedy, Strauser. Nay – none.

As a follow-up to the discussion at the last meeting about the safety of children crossing 16th Street to use the playground equipment in Ehmen Park, discussion was had on eliminating 114 feet of parking along the south side of 16th Street and moving the handicap parking space further west. It was ultimately decided to leave the handicap parking as is, and eliminate approximately 75 feet of parking east of the handicap space. Atty. Bacon was directed to prepare a resolution for next meeting to implement ‘no parking’.

Administrator Clymer provided a five-point memo for discussion on a method to reduce the number of ducks and geese at Lake Helen:

1. Instruct administration to have city crews remove all domestic geese and ducks from the Lake Helen area. The administration and crews shall be encouraged to try to find a home for the domestic animals.

2. Instruct the City Attorney to draft an Ordinance to stop all feeding of wildlife at the Lake Helen area. The Ordinance shall call for signs to be placed in the park as well as a fine for those persons caught feeding the animals. The council could consider an escalating fine for any repeat offenders.
3. Instruct administration to proceed with an agreement with NPPD to pump lake water back into the NPPD canal and receive canal water to replace the water pumped to the canal. Also have the city crews go ahead with putting in the line and pump.
4. Instruct the administration to contact the U.S. Fish and Wildlife to find options regarding the non-migratory Canada geese. This would include possible “oiling” of the eggs where nests are found.
5. Instruct administration and attorney to come up with a proposed Ordinance for the hunting of Lake Helen. This would include limited removal on a ban of firing a weapon inside the City limits, the City contracting out, or licensing, a limited amount of hunters and a limited time in which they are able to hunt. The hunting may also be an early season in which the non-migratory Canada geese are hunted. A special permit would need to be obtained from U.S. Fish and Wildlife for any early hunting season.

Discussion included:

- It is unlawful to break the eggs
- The nests should be left in tact to prevent new nests
- Pumping lake water thru the sprinkler system in an effort to use the water and then pumping new water into the lake would plug the sprinklers with mud and sludge
- Point 5, should be a last option due to safety issues discharging firearms in residential areas.
- Using coyote decoys to frighten the fowl
- If nothing else works, we may consider draining and dredging the lake. This is an expensive option and risks breaking the ‘seal’ which could cause damage to the dam.

Kennedy moved, Whiting seconded, directing Atty. Bacon to draft an ordinance that includes all five points of the memo for council consideration on May 5. Roll call vote: Yea – Aden, Strauser, Whiting, Kennedy. Nay – none.

Atty. Bacon offered an ordinance to convey the roadway on the west side of Pony Express Chevrolet to the Redevelopment Authority. It was formerly a County roadway and the Commissioners have passed a resolution conveying it to the City of Gothenburg The City will transfer it to the Redevelopment Authority for ultimate sale to Pony Express Chevrolet.

Councilman Kennedy introduced Ordinance 846 entitled:

An ordinance declaring: that the acquisition of real property described herein by the Community Redevelopment Authority, not within a blighted and substandard area, is essential to the proper redevelopment of substandard or blighted areas of the City and that the same shall constitute a redevelopment project; that the Community Redevelopment Authority is a public agency for purposes of Neb Rev. Stat. 17-503; conveying real estate located in the City of Gothenburg, Dawson County, Nebraska, more particularly described in the attached Exhibit “A” to the Community Redevelopment Authority of the City of Gothenburg, Nebraska; finding that the

transfer of real estate is for the removal of substandard and blighted conditions; repealing 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 Aden and on roll call vote the following voted “Yea”: Whiting, Strauser, Aden, Kennedy. “Nay”: none.

Mayor Hudson declared the motion adopted by a full vote of the Council and the statutory rule suspended for consideration of said ordinance.

Ordinance 846 was read by title whereupon Council member Aden moved for final passage and Council member Strauser seconded the motion. The Mayor asked the question, *Shall ordinance 846 be passed and adopted?* On roll call, the following voted “Yea”: Whiting, Kennedy, Strauser, Aden. “Nay”: none.

West Central NE Development District, administrator of the owner occupied housing grant, has provided a resolution to amend the program guidelines requiring mortgage verification to eliminate the possibility of putting grant funds into a home that may be in foreclosure.

Strauser moved, Kennedy seconded, to pass and approve Resolution 2009-9 amending the owner occupied housing project guidelines. Roll call vote: Yea – Aden, Whiting, Kennedy, Strauser. Nay – none.

Aden moved, Whiting seconded, approving Change Order #2 on the Avenue I sewer project. The change order incorporates elements of the American Recovery Act. Roll call vote: Yea – Kennedy, Strauser, Whiting, Aden. Nay – none.

Aden moved, Whiting seconded, to adjourn the meeting at 7:55 p.m. Roll call vote: Yea – Kennedy, Strauser, Whiting, Aden. Nay – none. The next regular meeting will be May 5 at 7:00 p.m.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk