Present: Mayor – Joyce Hudson

Jim Aden
Tim Strauser
Jeff Whiting

City Administrator Bruce Clymer

City Clerk Connie L. Dalrymple

City Attorney Mike Bacon Police Chief Randy Olson

Press: Gothenburg Times - Beth Barrett

Also present: Shane Gruber, Anne Anderson, Terry Jessen, Mr. & Mrs. Richard Stroessner, Bertha Daharsh, Nate Baker

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.

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

City Council minutes – November 3

Planning & Zoning Commission minutes – November 10

Treasurer's Report - October

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

Whiting moved, Strauser seconded, allowing payment of the claims against the City, \$45,571.35; Public Works Division \$246,498.76; and the November 12 payroll of \$29,847.07. Roll call vote: Yea – Aden, Kennedy, Strauser, Whiting. Nay - none.

## Open Forum:

- Anne Anderson informed the Council of our success at the NCIP Community Awards ceremony. Gothenburg won awards in the Youth Involvement and Leadership category, received 1<sup>st</sup> place in Class 3 Communities, and won the prestigious Otto Hoiburg Award. Entries were submitted for Eagle Scouts, Historic Museum, Sun Theater, Monsanto, and Park system. Thanks to Tim Lauer, Mike Bacon, and Joyce Hudson for meeting with the judges.
- *Holiday Magic on Main Street* will be Thursday, December 3 from 5:30 to 7:30 p.m. Lake Avenue will be barricaded between 9<sup>th</sup> and 10<sup>th</sup> Streets. There will be hayrides, Jingle Bell Parade, children's activities, pictures, treats, food, and Santa.
- The new sewer line on 11<sup>th</sup> Street east of Avenue I is nearly complete. There were a few water leaks due to compaction but they've been repaired.
- Richard Stroessner spoke in opposition to the proposed ordinance limiting each household to six pets. He feels it does not solve the dog / cat problem, is not an effective expenditure of tax dollars or police department time, and infringes on the rights of responsible pet owners.
  - Lois Stanton voiced concern on the same animal issues and asked what public nuisance is created by the number of cats owned. A better program would be to help with neutering animals. Chief Olson explained the animal quota is designed as a tool to help citizens and animals. He cited an example based on neighbor complaints where the only alternative was to take the issue through a very cumbersome and lengthy Health Board process, where it did become a public nuisance before anything could be done. It took over a year to handle the situation.

Others present did agree with the reasoning at that point but still felt the option of home search infringed on 4<sup>th</sup> Amendment rights. Once on the books, any administration could take the firm stance not contemplated by the present administration.

The proposed transportation study is primarily a plan for future needs, including current streets, an overpass and / or truck route. We have received proposals from four engineering firms and it's necessary to review them and make recommendation to the Council. Once a firm is selected, a larger committee that includes citizens will be needed to review the resulting plan.

Kennedy moved, Strauser seconded, to approve the Mayor's selection committee for the transportation study. They will be Administrator Clymer, Mayor Hudson, Council members Jim Aden, and Jeff Whiting. Roll call vote: Yea – Whiting, Aden, Kennedy, Strauser. Nay – none.

The current digger truck is a 1985 Chevrolet model. Four bids were received for a new truck:

Terex Utilities	2010 model to be built	\$162,294.00
Altec	2010 model to be built	\$160,489.00
Altec	new in stock model	\$151,503.00
Altec	2009 model currently a demo	\$134,712.00

The demonstrator model has been here for inspection and will be available in a month. It has 13,500 miles. Discussion was had and a motion made by Kennedy, seconded, by Strauser, to accept the bid from Altec for the demonstrated model for \$134,712.00. Roll call vote: Yea – Whiting, Strauser, Kennedy, Aden. Nay – none.

The Water and Wastewater and Stormwater mutual aid agreement (WARN) was designed by the League of Municipalities and Nebraska Rural Water Assoc. to be used between communities for assistance in emergency situations. The agreement sets up the communities to contact and a reimbursement process but each community still has the option whether or not to respond to a given situation.

Discussion was had and a motion made by Aden, seconded by Whiting, to approve the signature of the WARN agreement. Roll call vote: Yea – Strauser, Kennedy, Whiting, Aden. Nay – none.

Whiting moved, Strauser seconded, to pass and approve Resolution 2009-22 setting January 5, 2010 at 7:00 p.m. as the date for the Council to sit as the Board of Equalization to levy assessments for the 2008 Street Improvements. Roll call vote: Yea – Kennedy, Aden, Strauser, Whiting. Nay – none.

Brott Auction is having a public auction on November 28 and will list the 1985 Chevrolet digger truck for a minimum bid of \$7500. If the truck does not sell, the City will be charged a fee of \$25 - \$50 to cover advertising costs.

Aden moved, Kennedy seconded, to pass and approve Resolution 2009-23 authorizing sale of the digger truck at public auction on November 28, 2009. Roll call vote: Whiting, Strauser, Kennedy, Aden. Nay – none.

Aden moved, Strauser seconded, to approve Terry Kruse Construction as the contractor on Owner Occupied Housing projects #08-HO-3074-01 and #08-HO-3074-02. Roll call vote: Yea – Kennedy, Whiting, Strauser, Aden. Nay – none.

Discussion was resumed from November 3 on the proposed changes to the Municipal Code:

• Animals:

Removes the specific breed in defining vicious dogs

Realigns the code regarding animal shelters

Destruction of animals is not new to our code

Animal number limitations aligns with our aggressive policy of animal control and is intended to allow response to complaints before the smell, number of animals, and living facilities gets bad enough to warrant Health Board action. Number of animals cannot be grandfathered.

Further discussion was had with the gallery and all agree there is an issue with animals that needs attention for the protection of the public and pet owners. Administrator Clymer reminded all that the purpose of the discussion is to get a code in line to send to American Legal Publishing. Once set up, it will come back to the Council in Ordinance format for final discussion. The animal quota will be tabled for now and the balance of the animal code proposal will be included.

- Hours of alcohol sale will be inserted into the code.
- Political signs and time restrictions will be removed from the temporary signs code.
- Maximum weed / grass height will be lowered to 8" per state statute.
- There is no statutory basis for unlicensed boats and trailers. Atty. Bacon will research application of the nuisance statutes.
- The language about hiring employees will be removed from the Cemetery Board section
- Fireworks: discharge will be limited to 10 a.m. to 10 p.m. except on July 4th, then 8 a.m. to 11:59 p.m. No fireworks will be allowed in Lake Helen on July 4 or within 100 feet of a fireworks stand at any time.
- Building permits will expire after 18 months. The intent is to limit incomplete projects.

Kennedy moved, Whiting seconded, to adjourn the meeting at 9:32 p.m. Roll call vote: Yea – Aden, Whiting, Strauser, Kennedy. Nay – none. The next regular meeting will be December 1 at 7:00 p.m.

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Joyce Hudson, Mayor	Connie L. Dalrymple, City Clerk