

Present: Mayor –	Joyce Hudson
Council members	Jeff Kennedy
	Gary Fritch
	Tim Strauser
	Jeff Whiting
City Administrator	Bruce Clymer
City Attorney	Mike Bacon
City Clerk / Treasurer	Connie L. Dalrymple
Police Officer	Aaron Pelzer

Press: *Gothenburg Times* - Beth Barrett

Also present: Shane Gruber, Syd Kite, Ryan Randolph, Norm Lambertus, Cherry Alger, Steve Walker, Ralph Ogier, Talbot Buchholz, Kristy Peterson, Doug Viter, Ernie Schmidt, Gaylan Janssen, Kurt Janssen, Wayne Janssen, Harold Peterson, Dave Keiser, Larry & Marlene Fiese, Pastor Rick Rehmert, Jerry Dobson, Pastor Bill & Beth Ivey, Pastor Russell Crawford, Mr. & Mrs. Forrest Johnson

Mayor Hudson opened the meeting and public hearing 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 purpose of the public hearing was to consider a request from Jason Fiese for a special use permit to establish a ground floor residence at 612 9th Street, a C-1 zoning district. This request came before the Planning & Zoning Commission in March and was recommended to the City Council for approval; however, several questions arose from P & Z members regarding their ability to impose conditions on a special use permit. As a result, the Council returned the issue to P & Z for another hearing which was held on April 12. Various compromises were offered but were rejected at that time. The Planning & Zoning Commission was unable to provide Council with a recommendation due to a tie vote on the question of approval.

One compromise offered was to reserve a minimum twelve foot deep area along the entire front length of the building as commercial space. That was unsatisfactory at the time but Fiese has reconsidered the offer and now finds it acceptable. Councilmember Kennedy feels it's a fair compromise because it is important to retain the core business district as outlined in the subdivision regulations.

After brief discussion Kennedy moved, Strauser seconded, to close the public hearing at 7:05 p.m. Roll call vote: Yea - Whiting, Fritch, Strauser, Kennedy. Nay - none.

Kennedy moved, Whiting seconded, approving the special use permit for Jason Fiese for living quarters on the ground floor at 612 9th Street with two stipulations:

1. A minimum depth of twelve feet across the entire front of the building will be reserved as commercial space.
2. If and when Fiese sells the property, the special use permit will expire and no longer be valid.

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

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

- City Council minutes - April 5
- Treasurer's Report - March
- Planning & Zoning Commission minutes - April 12

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

Strauser moved, Kennedy seconded, allowing payment of claims against the City, \$56,977.69, except #1323; Public Works Division \$346,620.41; and the April 14 payroll of \$33,816.04. Roll Call vote: Yea - Fritch, Whiting, Kennedy, Strauser. Nay - none.

Kennedy moved, Whiting seconded, allowing payment of claim #1323 to T & T Corporation for sexton duties. Roll call vote: Yea - Whiting, Kennedy, Fritch. Nay - none.

Community Comments:

- Administrator Clymer recognized Officer Aaron Pelzer as the newest certified officer on the department, having graduated from the Grand Island Law Enforcement Training Center on April 14.

Administrator Clymer reviewed the liquor hours of sale issue. The issue came up as state law changed the classification of licenses and extended hours of sale to 2 a.m. The initial request to the Council was to allow Sunday sales to begin at noon for on-sale licensees and to extend the hours of sale to 1 a.m. Monday through Thursday to accommodate pool leagues and other special events. A survey of seven area communities revealed that Gothenburg is the only community with hours of sale set per classification of license.

Mayor Hudson said that while the Council appreciates public comment, both pro and con, all prior comments are included in past minutes. Comments will be accepted from those that have not spoken at previous meetings.

Pastor Russell Crawford, Church of Christ - In the six months he's been here, he's encouraged how family oriented the community is, but the proposed ordinance is not family oriented. He doesn't see why Gothenburg's hours need to be the same as other communities. There are already plenty of hours to drink.

Pastor Bill Ivey - While no one wants to infringe on the rights of others to drink or to deter business, he knows first-hand what alcohol can do to people and families. He is most concerned about Sunday sales. Families need a safe environment at restaurants.

Norm Lambertus - Doesn't feel the hours are fair when some can sell and others can't. It's about being able to serve the customer. Folks don't go to the bars and restaurants just to drink, they want to be part of pool leagues or to enjoy a meal with family.

Councilmember Strauser - He has had numerous questions about putting the issue to a public vote and proposes it be tabled for an agenda item to place it on the ballot. He'd rather see it decided sooner than later so he favors a special election.

According to Atty. Bacon, if the Council passes the ordinance, citizens have the option of filing a petition. He will review the language for form prior to circulation. It will require signatures from at least 15% of the registered voters at the last general election. Council will have 30 days to adopt the proposal offered by the petition or to call an election. Tonight, Council must vote on the third reading or delay the vote and request an agenda item of a resolution to hold an election. There is cost to an election, including publications, poll workers, etc.

Mayor Hudson said the City's main concern here is uniformity of hours among classes of licenses. The Council is elected to make decisions, not everything can be taken to the voters although the public has a right to bring questions to ballot.

Council member Fritch does not disagree with Pastor Ivey, excess alcohol use does tear families apart. After last meeting he was left with the feeling that all drinkers are drunks and he is not here to decide if people should or should not drink. There are two facts, we need consistency, and we need to look at what the surrounding area is doing. This question is about one hour in time. We cannot legislate morals and according to various web sites he visited, including one in Arizona, increasing hours of sale does not increase DUI's or accidents. He agrees with all comments regarding families and referenced his years in the school system. He does not see one hour having an impact because if folks want alcohol, they will get it. Since the last meeting he has had comments from folks that would enjoy a glass of wine with their noon meal.

Kennedy moved, Whiting seconded, to pass and approve Ordinance 861, regarding alcohol hours, of sale on third and final reading. Roll call vote: Yea - Fritch, Whiting, Kennedy. Nay - Strauser.

Kennedy moved, Strauser seconded, to pass and approve Ordinance 862 regarding sexual predator residency requirements on third and final reading. Roll call vote: Yea - Whiting, Fritch, Strauser, Kennedy. Nay - none.

Whiting moved, Kennedy seconded, to advance Ordinance 863 regarding UTV's on City streets, to third and final reading. Roll call vote: Yea – Fritch, Strauser, Kennedy, Whiting. Nay - none.

At the last meeting a request was made for a \$.50 increase in trash rates due to the high cost of fuel. The budget includes a \$.25 increase to offset the cost of Clean City Week but it was never implemented. While Clean City week is a huge success, it's a cost to the taxpayers. Last year was \$11,198. The City retains \$.50 of the monthly residential trash rates and uses \$.10 for billing for the haulers and \$.40 pays for recycling. Administrator Clymer proposed an additional \$.40 to the increase for commercial and residential customers to offset the Clean City week costs. A \$.90 per month increase from 1800 customers would generate \$8976.

Discussion was also had on the amount of trash that comes from outside town for free dumping at the shop and is a cost to local tax payers.

Kennedy moved, Whiting seconded, introduction of Ordinance 864 with a \$.90 increase in monthly trash rates. Roll call vote: Yea - Strauser, Whiting, Fritch, Kennedy. Nay - none.

Discussion was had prior to a motion from Whiting, seconded by Kennedy introducing Ordinance 865 extending the hours to shoot fireworks till 11:00 p.m. between June 25 and July 3. Roll call vote: Yea - Fritch, Whiting, Kennedy. Nay - Strauser.

No action was taken on publication of agendas with meeting notices.

Arbor Day will be celebrated with the Mayor's signature of a Proclamation and planting trees along Highway 47, south of 1st Street at noon on April 29.

Fritch moved, Strauser seconded, appointing Charity Wyatt to the Library Board, replacing Janice Gonzales. Roll call vote: Yea - Kennedy, Whiting, Strauser, Fritch. Nay - none.

Kennedy moved, Strauser seconded, appointing Derek Franzen to the Fire Department. Roll call vote: Yea - Fritch, Whiting, Strauser, Kennedy. Nay - none.

Whiting moved, Strauser seconded, signature of Drawdown #21 on the Owner Occupied Housing project, in the amount of \$15,464, and payment to contractors Mark Davis and to WCNDD for administration. Roll call vote: Yea - Fritch, Kennedy, Whiting, Strauser. Nay - none.

Strauser moved, Whiting seconded, to adjourn the meeting at 8:02 p.m. Roll call vote: Yea - Kennedy, Fritch, Whiting, Strauser. Nay - none. The next regular meeting will be May 3, 2011.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk