

Regular City Council Meeting
City Council Chambers

June 18, 2013
7:00 p.m.

Present: Mayor – Joyce Hudson
Council members Jeff Kennedy
Tim Strauser
Jeff Whiting
City Clerk / Treasurer Connie L. Dalrymple

Absent: Council member Duane Oliver
City Administrator Bruce Clymer
City Attorney Mike Bacon

Press: *Gothenburg Times* - Beth Barrett

Also present: Shane Gruber, Rita Thomalla, Dutch & Kristi Edson, Gary Mroczek, Don Graham, Angie Nichols, Jaelyn Strasberg, Jody Carlson, Charlotte Sitorius, 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.

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

City Council minutes – June 4
Planning & Zoning Commission minutes – June 11
Treasurer's Report - May
Police Report - May

Roll call vote: Yea – Kennedy, Whiting, Strauser. Nay – none. Absent and not voting – Oliver.

Kennedy moved, Strauser seconded, allowing payment of claims against the City, \$29,140.04, except for #1920 and #4901; Public Works Division \$403,850.32; and the June 6 payroll of \$42,282.43. Roll Call vote: Yea – Kennedy, Whiting, Strauser. Nay - none. Absent and not voting – Oliver.

Strauser moved, Whiting seconded, allowing payment of claims #4901 and #1920 to Kennedy Landscape Services. Roll call vote: Yea – Whiting, Strauser. Nay – none. Absent and not voting – Oliver.

Community Comments: none

Item 5 a.) *Review / approve Interlocal Agreement with Game & Parks Commission for Lake Helen Water Quality Project funding* was removed from the agenda and not discussed.

A proposed ordinance amending the subdivision to allow contiguous lot agreements was discussed. The ordinance would allow construction beyond the normal setback allowances if the property owner owns the adjacent lot. However, the adjacent lot will not be available for future sale in whole or in part. This could occur without an administrative replat.

Discussion was had on how the agreements would be recorded to be sure they are enforced in the future. Notations will be made on building permits which are copied to Dawson County and notations made on the cadastral map. We can also keep a file in the office.

Kennedy moved, Strauser seconded, to introduce Ordinance 883 regarding contiguous lot agreements. Roll call vote: Yea – Whiting, Strauser, Kennedy. Nay – none. Absent and not voting – Oliver.

Due to issues of heat and at the request of vendors and customers, Anne Anderson and the Chamber's Retail Committee asked Council to consider a change from 10th Street east of Lake Avenue to the east side of Ehmen Park along Avenue F. The vendors will park parallel with the curb and vend from the grass in the park between 15th and 16th Street. Several reasons for the change were offered:

- The park is much cooler than the street between tall brick buildings and the wind tunnels between the buildings, causing issues with the vendors, products, and customers.
- There are restrooms, playground, and better parking.
- The park allows the opportunity to incorporate other activities into the Farmer's Market such as children's games.
- Before being located on 10th Street the Market was in shade on the west side of Lake Avenue by the banks. This area became congested because half of the street was kept open.

Chief Olson commented that both he and Fire Chief Ballmer object to closing the street and / or selling from vehicles. He has no objection to selling from the grass but asked them to remember that Avenue F is a high traffic street and vehicles tend to move faster than they should. He cautioned all to be watchful of children moving between parked vehicles. His department, with the assistance of other agencies, is currently addressing the speed issues on Avenue F.

Shane Gruber cautioned not to park too close to the intersections and to keep clear of the traffic sight line. There should be additional trash containers in the area. Brief discussion was had on movement and storage of the barricades.

There will be a Farmer's Market Manager on site that will co-ordinate vendors and assist with regulations and issues. The Farmer's Market is on Thursdays in July thru September, 4:30 to 6:30 p.m.

Whiting moved, Kennedy seconded, to allow the change of the Farmer's Market from 10th Street to the east side of Avenue F between 15th and 16th Streets as requested with the understanding that vending will be only into the park area and trash will be contained. The issue can be revisited and if it's not working change the location. Roll call vote: Yea – Strauser, Kennedy, Whiting. Nay –none. Absent and not voting – Oliver.

Pony Express Chevrolet will be remodeling their building at 420 Lake Avenue that will include complete removal of the front of the building, including offices. The process is expected to begin about July 1 and take six months to complete. Since the current office area will be unavailable, owner Gary Mroczek has made arrangements to have a 24' x 64' (including tongue)

portable trailer on site for office use. He had hoped to place it on the dealership property but electrical power and phone lines are not easily accessible there. He has been talking with the owners of the China Café, across the street to the north and come to an agreement with them to place the trailer on the right-of-way adjacent to their business, where electric and phone service is more accessible. The trailer will open to the south onto the street. There is one tree in the way and he is negotiating to remove it and replace it with two trees after construction is complete. The temporary building will be brought in two weeks prior to demolition but once the new construction is enclosed he plans to move the temporary building out.

Shane Gruber noted that 5th Street is not a high traffic street and visibility is good at the intersection, but it would be better if Mr. Mroczek can make arrangements to have the tree removed and move the temporary building further west.

Chief Olson agreed and said that if necessary they could close half the street but there is so little traffic it's probably not necessary.

Following further discussion, a motion was made by Kennedy, seconded by Strauser, to allow placement of the temporary office trailer on the right-of-way, as requested, for a maximum of nine months beginning July 1. The time may be extended if necessary. Roll call vote: Yea – Whiting, Strauser, Kennedy. Nay – none. Absent and not voting – Oliver.

The neighbors in the area of 17th and 18th Streets on Avenue G have an annual neighborhood 4th of July celebration that includes fireworks. This year July 4th is on Thursday and Don Graham, representing the neighborhood, asked Council for permission to hold the event and shoot fireworks on Saturday, the 6th for up to one hour after dark. They will not block any streets.

Chief Olson advised there is an ordinance in place that does not allow fireworks after 11:59 p.m. on July 4. Council cannot allow someone to violate an ordinance. When questioned about the fireworks shot at the Firemen's Ball, he responded that it should not be happening and he has discussed this with the Fire Chief. Fireworks display is regulated by state statute and Fire Marshall regulations. It's not like zoning regulations where variances can be granted. He was also questioned about closing streets and responded that state law allows streets to be closed but does not allow speed limits to be varied. By State law and City ordinance fireworks can be expended June 25 thru July 4.

No action was taken on the request.

Strauser moved, Kennedy seconded, to adjourn the meeting at 7:45 p.m. Roll call vote: Yea – Whiting, Kennedy, Strauser. Nay - none. Absent and not voting – Oliver. The next regular meeting will be July 2, 2013.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk

