

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

Press: *Gothenburg Times* - Beth Barrett

Also present: Shane Gruber, Joan Windrum CPA, George Prince, Nancy Fisher, Travis Mason of Miller & Assoc.

Mayor Hudson opened the meeting and 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 the 2013-14 budgets of municipal funds and the hearing to set the tax levy were opened at 7:00 p.m. The final budget proposal is as approved for publication at the August 27 worksession. The total budget of \$20,636,250, excluding cash reserve, carries a tax request of \$608,135.78 based on a levy of .322735 which is the same as FY 2012-13.

Brief discussion was had and a motion was made by Oliver, seconded by Strauser, to close the hearings at 7:04 p.m. Roll call vote: Yea – Whiting, Strauser, Oliver. Nay - none. Absent and not voting - Kennedy.

Whiting moved, Strauser seconded, to approve an additional 1% restricted funds authority. Roll call vote: Yea – Oliver, Strauser, Whiting. Nay - none. Absent and not voting - Kennedy.

Strauser moved, Whiting seconded, to adopt the 2013-14 budget of all municipal funds as presented. Roll call vote: Yea – Oliver, Whiting, Strauser. Nay - none. Absent and not voting - Kennedy.

Oliver moved, Strauser seconded, to approve the final levy of .322735 as proposed, which includes the airport levy. Roll call vote: Yea – Whiting, Strauser, Oliver. Nay - none. Absent and not voting - Kennedy.

Whiting moved, Strauser seconded, to pass and approve Resolution 2013-10 setting the 2013-14 tax levy at .322735. Roll call vote: Yea – Whiting, Strauser, Oliver. Nay - none. Absent and not voting - Kennedy.

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

- City Council minutes – September 3
- Treasurer's Report - August
- Police Report – August
- Library Director's Report – July thru September

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

Whiting moved, Oliver seconded, allowing payment of claims against the City, \$45,000.93; Public Works Division \$560,401.57; and the September 12 payroll of \$36,480.15. Roll Call vote: Yea – Strauser, Oliver, Whiting. Nay - none. Absent and not voting – Kennedy.

Community Comments:

- According to information received by Administrator Clymer, flood waters from the Colorado rain and flooding are expected here late Friday or early Saturday. The National Weather Service notified us via conference call that they will release a flood warning for Dawson County early Wednesday morning. There will be another conference on Wednesday to update those in the path of the flood. Hopefully the flood waters will sweep through the area unlike the 2011 water that stayed a long time. We will continue to monitor the situation and encourage citizens to watch the weather service web site.

Attorney Bacon prepared an ordinance that will modify the current Municipal Code to eliminate the requirement for residential electrical inspections and to make those inspections the responsibility of the State of Nebraska. Administrator Clymer has had only one call from a local electrician and he did not object to the change. The State will complete our unfinished permits at no charge, but new permits will be at their rate. Administrator Clymer would prefer to have the new inspection process in place before construction of the new spec homes begins.

Council member Kennedy entered the meeting at 7:10 p.m.

Council Member Whiting introduced Ordinance 884 entitled:

An ordinance amending Title XV, Chapter 150, Sections 150.038 and 150.056, providing that electrical inspections of residential structures be made by the State Fire Marshal; eliminating City electrical permits and inspections for residential structures; replacing all 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 Strauser and on roll call vote the following voted “Yea”: Kennedy, Oliver, Strauser, Whiting. “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 which was then read by title.

Council member Oliver moved for final passage of Ordinance 884 and Council member Strauser seconded the motion.

Mayor Hudson asked *Shall Ordinance 884 be passed and adopted?* On roll call vote, the following voted “Yea”: Whiting, Kennedy, Strauser, Oliver. “Nay”: none.

Mayor Hudson declared Ordinance 884 adopted and signed it in the presence of the Council and the Clerk attested the signature.

On August 20, Jesse Rios requested vacation of the platted but unopened alley at his home at 1207 17th Street. It has since been determined that Rios owns the adjoining property on the west end of the alley but toward the east end, Seth Ryker owns the property on the north and Rod Brooks owns the property on the south side of the platted alley. None of the owners expressed objection to the vacation.

At earlier discussion Atty. Bacon recommended retaining a utility easement which will prohibit permanent structures and cautioned against creating a land locked parcel by vacating an alley. The owners could still landscape the area but would need to remove anything if the City needed access to the area. Another point made was that if the City ever expands to the east it's best to have continuous alleys. After all discussion there appeared to be no benefit to vacating the alley, therefore no action was taken on the request.

Travis Mason spoke to Council regarding the status of the permit required from the Army Corps of Engineers before any work can be done on the Lake Helen reclamation. In talking with Corps staff, it was suggested that our project might qualify for a Nationwide 404 permit so the paperwork was completed and submitted in late May. The Corps then decided the project did not meet criteria for a 404 permit so Miller's office began putting together information for a single permit. In addition, we had to be sure of what the project would be before applying for the permit and the Game & Parks Commission did not approve their part of the project until July. Hopefully, everything the Corps requires will be available by early October. It will probably require more or different information than other projects they've done. The process is not quick or easy. Work on this project began in 2004-05. Travis does not think the Corps will deny the permit but they will probably want more information than is submitted. The Corps has jurisdiction because water for the lake runs through the canal from the river and the federal government owns the rivers.

Since this process could take a year or more, Nancy Fisher asked if it was possible to refill the lake. Administrator Clymer said that had been discussed but it was decided there is an advantage to keeping the lake empty longer. It will deter the geese and hopefully will be drier when work can commence. It also takes a long time to fill and to empty the lake.

Travis agreed to keep the Council informed as the process moves forward.

Whiting moved, Strauser seconded, to pass and approve Resolution 2013-11 regarding case CI12-212. Roll call vote: Yea – Oliver, Kennedy, Strauser, Whiting. Nay – none.

Oliver moved, Whiting seconded, to pass and approve Resolution 2013-12 regarding case CI12-213. Roll call vote: Yea – Strauser, Kennedy, Whiting, Oliver. Nay – none.

Strauser moved, Kennedy seconded, to pass and approve Resolution 2013-13 regarding case CI12-214. Roll call vote: Yea – Oliver, Strauser, Kennedy, Whiting. Nay – none.

Kennedy moved, Oliver seconded, to pass and approve Resolution 2013-14 regarding case CI12-215. Roll call vote: Yea – Strauser, Whiting, Oliver, Kennedy. Nay – none.

Oliver moved, Whiting seconded, to pass and approve Resolution 2013-15 regarding case CI12-216. Roll call vote: Yea – Kennedy, Strauser, Whiting, Oliver. Nay – none.

Kennedy moved, Strauser seconded, to pass and approve Resolution 2013-16 regarding case CI12-217. Roll call vote: Yea – Whiting, Oliver, Strauser, Kennedy. Nay – none.

Strauser moved, Oliver seconded, to pass and approve Resolution 2013-17 regarding case CI12-220. Roll call vote: Yea – Whiting, Kennedy, Oliver, Strauser. Nay – none.

Atty. Bacon told all that the settlement of the law suits does not include admission of City liability. The damage was caused by excessive rainfall and ground water and was denied by the insurance company as an act of God and therefore not covered by City liability insurance. The settlement is below the cost of litigation. Each resolution authorizes the Mayor to execute the settlement agreement and releases the claims as they existed at the outset of the suit and will hold the City harmless of any third party suit. The settlement is not insurance money.

Kennedy moved, Whiting seconded, to pass and approve Resolution 2013-18 naming depositories for the 2013-14 fiscal year. Roll call vote: Yea – Strauser, Oliver, Whiting, Kennedy. Nay – none.

Oliver moved, Kennedy seconded, authorizing signature of a Mutual Aid Agreement with Dawson County. Roll call vote: Yea – Whiting, Strauser, Kennedy, Oliver. Nay – none.

Strauser moved, Whiting seconded, to adjourn the meeting at 7:41 p.m. Roll call vote: Yea – Oliver, Kennedy, Whiting, Strauser. Nay - none. The next regular meeting will be October 1, 2013.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk