

Present: Mayor – Joyce Hudson
Council members Jeff Kennedy
Randy Waskowiak
Verlin Janssen
Jay Richeson
City Administrator Bruce Clymer
City Attorney Mike Bacon
City Clerk / Treasurer Connie L. Dalrymple

Press: *Gothenburg Times* - Beth Barrett

Also present: Mike & Lori Hoesel, Roger Tederman, Robert Mann, Rick Fiese, Gary Fritch, Atty. Patrick Heng, Mick Brandt, Atty. Steve Windrum

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.

Waskowiak moved, Kennedy seconded, approving the consent agenda that included:

City Council minutes

August 18, amend to include the motion approving the Harvest Festival parade route.

August 25, amend to change the stated meeting time to 4:00 p.m.

Planning & Zoning Commission minutes – August 11

Treasurer's Report – July

Building Permit Report – July

Roll call vote: Yea – Janssen, Richeson, Kennedy, Waskowiak. Nay – none.

Kennedy moved, Richeson seconded, allowing payment of claims against the City, \$103,162.69; Public Works Division \$545,973.50; and the August 27 payroll of \$39,985.60. Roll Call vote: Yea – Waskowiak, Richeson, Janssen, Kennedy. Nay - none.

Community Comments:

- Bids for the renovation of the northeast corner of Highways 30 and 47 are due on September 29. The only change from the original bid request is the extension of the completion date to September 2016.

Of the six firms invited to submit proposals for audit services two had no interest in submitting a proposal and only one proposal was received, from the current firm, RJ Meyer Associates. The fee proposal is:

2014-15 \$9500

2015-16 \$9600

2016-17 \$9700

If a single audit is required, an additional fee of \$2500 will be required.

Janssen moved, Kennedy seconded, accepting the proposal from RJ Meyer & Associates for a three year contract for audit services. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay - none.

Janssen moved, Kennedy seconded, introduction of Ordinance 922 expanding the Fire Limits. Roll call vote: Yea – Richeson, Waskowiak, Kennedy, Janssen. Nay – none.

Kennedy moved, Waskowiak seconded, introduction of Ordinance 923 prohibiting discharge of fireworks within the Fire Limits. Roll call vote: Yea – Janssen, Richeson, Waskowiak, Kennedy. Nay – none.

Discharge of fireworks is mentioned in multiple areas of the Municipal Code; therefore, a motion was made by Kennedy, seconded by Waskowiak, introducing Ordinance 924 prohibiting discharge of fireworks in certain areas of the City. Roll call vote: Yea – Richeson, Kennedy, Janssen, Waskowiak. Nay – none.

In June the Lake Helen water well was tested and found to have higher than standard levels of phosphorus. The lake is now at three times the standard level. The City had received a \$130,000 grant for an alum treatment of the lake water but the Game & Parks Commission is concerned that it may not be a good use of funds. Paul Brackage of Lake Tech is convinced the treatment is necessary. The Game & Parks staff

was more agreeable to the treatment once informed we are considering deepening the well that fills the lake. A deeper well will cost approximately \$40,000 but will provide a better quality of water and the alum treatment will have a longer effect on the lake. The well is turned on Fridays and off on Mondays to maintain the lake level. The alum treatment will occur in the fall but if the bids are too high, we can deny the project.

The other issue to keeping the water clean is to keep the geese off the lake. Eight employees, as they are on call, have offered to assist in shooting the pyrotechnics anytime there are ducks and geese on the lake. After spending \$1.6 million dollars on the lake it makes sense to protect the water.

Kennedy moved, Richeson seconded, to go forward with the alum treatment in Lake Helen. Roll call vote: Yea – Waskowiak, Janssen, Richeson, Kennedy. Nay – none.

Attorney Bacon suggested all things not allowed at the lake, such as swimming, be adopted by Resolution encompassing all rules and regulations for the park system. The proposed resolution includes things we already do or do not allow. Specific discussion included:

- To continue with the “sunrise / sunset” rather than specific times parks are closed and to specify vehicular traffic. Any vehicles found in the lake area at dark are asked to leave before the gates are locked.
- Specific language for events that require Council permission to use the park, such as large weddings or events that will use, tents, equipment, and require large parking areas
- Knowing the lake includes many underwater structures for fish habitat, scuba diving will be allowed only as a training exercise and will require special permission.

Janssen moved, Waskowiak seconded, allowing scuba diving with special permission. Roll call vote: Yea – Kennedy, Richeson, Waskowiak, Janssen. Nay – none. Divers will be required to obtain permission for each dive and one person can sign the permit for the entire group if more than one is diving at a time. The balance of the proposed resolution will be placed on the October 6 agenda for final discussion and approval.

According to Hospital Administrator Mick Brandt, the proposed Community Wellness Center would be located on hospital property but owned by a new hospital entity, the governing board of which would be represented by the school, city and hospital. He is uncertain as to how long the City will be asked to contribute to operational costs of the center but anticipate it to be self-sufficient after three years. The pool design is still open to discussion and will be affected by the cost and available funds. The facility is estimated to cost \$4 million. The Hospital Foundation is the catalyst for the project and has offered to assist if fund raising efforts fall short.

Gary Fritch, speaking for himself and not representing others or any group, said he is not opposed to the wellness center but he is opposed to asking the City and the school to use tax dollars to fund it. The hospital should pursue it on their own if they want it. Using the City as an example, \$100,000 over 3, or 5, or 10 years can add up to millions. The City always has a project, such as the lake rehabilitation or Avenue I sidewalks, to accomplish. With so many unknowns in this project he likened it to signing a blank check and cautioned Council to tread carefully.

Councilmember Janssen sees the project as another exciting recruitment tool for the community and if the hospital needs help to accomplish it, help should be available.

Councilmember Kennedy thanked Mr. Fritch for his comments noting that council members have discussed the same points he brought up. Kennedy sees the center as an opportunity that may not come again anytime soon even though it may come with risks.

Councilmember Waskowiak realizes there are lots of unknown details at this time. Some costs, such as staffing and programs, can be controlled. The hospital will have to budget every year and the school and hospital have their own reasons for supporting the project. The City tries to look at the needs and wants of all citizens.

Mayor Hudson said the hospital request for City financial assistance is a tough decision. With control from all entities, the budget can hopefully be kept in line.

Beth Barrett asked about the City’s plans for their pool if the wellness center project goes forward.

Council agreed that the City pool will remain open as there is a need for summer swimming.

Councilmember Richeson expressed appreciation for all viewpoints and the hospital's work. It is a struggle but if there is no commitment, the hospital will not try to raise the necessary funds. And, if they can't raise the funds, it becomes a non-issue and the project will not go forward.

Waskowiak moved, Janssen seconded, authorizing signature of the Memorandum of Understanding for the Community Wellness Center. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay – none.

Richeson moved, Kennedy seconded, approving Drawdown #7 on the Downtown Revitalization Project and payment to business owners: Hiebner \$3150, Main Street Hair Design \$5983, Schlake Construction \$891, Dee's Floral \$4466. Roll call vote: Yea – Janssen, Waskowiak, Kennedy, Richeson. Nay – none.

Waskowiak moved, Kennedy seconded, approving the final pay request, #7, to Myers Construction on Lake Helen project, \$139,779.55. Roll call vote: Yea – Janssen, Richeson, Kennedy, Waskowiak. Nay – none.

Kennedy moved, Janssen seconded, approving Change Order #5 on the Lake Helen project, \$81,716.36. Roll call vote: Yea – Waskowiak, Richeson, Janssen, Kennedy. Nay – none.

Kennedy moved, Richeson seconded, accepting the Certificate of Substantial Completion on the Lake Helen project. Roll call vote: Yea – Janssen, Waskowiak, Richeson, Kennedy. Nay – none.

Janssen moved, Richeson seconded, approving pay request #6 to Van Kirk Bros for Sanitary Sewer improvements, \$22,516.92. Roll call vote: Yea – Waskowiak, Kennedy, Richeson, Janssen. Nay – none.

The Airport Authority Board brought the City a resolution seeking the removal of elected member Lori Hoesel from the Board. At the last meeting Mrs. Hoesel was given the opportunity to speak to the Council after which the Council asked the Airport Board for specific written reasons for their request, which they have provided.

Board member Roger Tederman, speaking for himself and not the Airport Authority Board as a whole, told Council the specific reason for the request for termination was that Hoesel released a lien without approval of the full Board. As in all Boards, members have different personalities and reasons for what they do but in the end the decision of the Board is upheld by all members. That did not happen in this case. As a result he made a motion asking Hoesel to resign.

Attorney Patrick Heng representing Hoesel, reminded Council that he provided two statements at the last meeting and an affidavit at this meeting from Hoesel saying that she contacted the FAA multiple times and each time was told she had the authority to release the lien. Her actions do not fit the definition of the charges made by the Airport Authority Board. She is an elected member of the Airport Authority and as such took action to get rid of a lien that had no basis in Nebraska law.

Atty. Bacon told Council they have two options in the matter. They can act upon the Airport Authority resolution by filing a resolution with the District Court. This will require an attorney, court time and costs. The City will have to contract with another attorney because his office employs a member of Hoesel's family. Or, take no action.

Councilmember Richeson asked if the owner of the plane owed the money and if the bill had been paid.

Mr. Tederman said the lien was filed because money was owed to the Airport Authority. It has not been paid and the lien is still in force and the FAA is aware of it. A letter from the FAA is included in the information provided.

Since that time the airplane had been purchased by another party and Atty. Bacon said the attempt to release the lien was not successful and the lien is on file with the FAA.

Council member Janssen felt all parties were well intentioned but he is hard pressed to spend City money pursuing the matter in court.

No action was taken on the request from the Airport Authority Board to pursue removal of member Lori Hoesel.

Gothenburg is surrounded by Dawson Public Power District's electrical service area and in the past they have been able to back up our 34.5KV line. DPPD is now moving to 69KV lines and will be abandoning their 34.5KV line that goes north then west along I-80 because of the prohibitive cost to upgrade it to 69KV. They are willing to give us the line along Highway 47 and although we do not currently have a use for it, it could someday be used to support back-up from DPPD. DPPD is working with Fish and Wild Life Management and Corps of Engineers and if Dawson puts in a new line, they will be required to remove the old one due do the effect of two lines on the river and the wild life there. If the City has need of a future service line to support back-up or new development in the area we would be forced to work with the Fish and Wildlife Management and Corps of Engineers to construct it. Olsson & Assoc. is an engineering firm that understands and has experience with the entities involved. A proposed \$5000 agreement with Olsson & Assoc beginning now and expiring November 30 would secure their assistance in helping us keep the line. Hopefully we can gain approval from the Corps of Engineers and Fish and Wildlife Commission to keep both lines, the City owning one line and DPPD owning the other. Time is of the essence because Dawson has to tell their contractor whether or not to remove the old line.

Janssen moved, Richeson seconded, approving the proposed contract for engineering services with Olsson & Associates. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay –none.

Waskowiak moved, Kennedy seconded, to adjourn the meeting at 8:17 p.m. Roll call vote: Yea – Janssen, Richeson, Kennedy, Waskowiak. Nay - none. The next regular meeting will be September 15, 2015.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk