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| 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 |
| Deputy City Clerk | Brandi Klopping |

Press: *Gothenburg Times* – Ellen Mortensen KRVN Radio – Scott Foster

Also present: Linda Bowman, Ben Kampschnieder, Brenda Jensen and Victoria Nelson of Miller & Assoc., Travis Anderson, Danielle Jehn, Michael Pracheil, Mr. & Mrs. Alan Daup, Scott Foster, Will Rahjes, Police Officer Chris Walkemeyer

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 request for Special Use Permit #140 to allow Learning Adventures Child Care Center to erect a sign at 1401 Lake Avenue was taken up first. The Planning & Zoning Commission held a public hearing on the request on October 11 but continued the hearing to their November 8 meeting pending information from the property owner, First United Methodist Church, on a location for the sign. Therefore Kennedy moved, Richeson seconded, to continue this hearing until the November 15 meeting. Roll call vote: Yea – Janssen, Richeson, Waskowiak, Kennedy. Nay – none.

The public hearing on a request from Curtis and Khri Jinks to change the zoning at 1103 W 7th Street back to AG from C-2. They have purchased the former JB Nursery property and it had been changed to C-2 when the business was active.

Brief discussion was had and a motion made by Waskowiak, seconded by Kennedy, closed the hearing at 7:04 p.m. Roll call vote: Yea – Richeson, Waskowiak, Kennedy, Janssen. Nay – none.

Richeson moved, Janssen seconded, to approve the zoning change as requested by the Jinks'. Atty. Bacon will draft the necessary ordinance for the November 1 meeting. Roll call vote: Yea – Kennedy, Waskowiak, Janssen, Richeson. Nay – none.

The public hearing on a request to amend the AG-1 zoning regulations was taken up at 7:05 p.m. Brad Morris owns property west of Frito-Lay and requested the amendment to allow for outdoor storage of campers and boats. The Planning & Zoning Commission has recommended approval of the request.

Waskowiak moved, Janssen seconded, to close the public hearing at 7:06 p.m. Roll call vote: Yea – Richeson, Kennedy, Janssen, Waskowiak. Nay – none.

Kennedy moved, Janssen seconded, introduction of Ordinance 933 amending Section 152.019 d.) of the subdivision regulations to allow commercial activities by Special Use Permit in AG-1 zone. Roll call vote: Yea – Richeson, Waskowiak, Janssen, Kennedy. Nay – none.

Janssen moved, Richeson seconded, approving the consent agenda that included:

- City Council minutes – October 4
- Cemetery Sexton Report – July thru September
- September building permit report
- Police Report - September
- Board of Adjustment minutes – October 7
- Planning & Zoning Commission minutes – October 11

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

Kennedy moved, Waskowiak seconded, allowing payment of claims against the City, \$101,689.89; Public Works Division \$408,828.40; and the October 5 payroll of \$36,132.83. Roll Call vote: Yea – Janssen, Richeson, Waskowiak, Kennedy. Nay - none.

Community Comments:

- The Pony Express Station sustained fire damage on the east side of the building as a result of vandalism. The Police have filed a report.
- The crew is tarring streets.
- Members of the Dawson Area Development Leadership class were present. They included Ben Kampschnieder, Travis Anderson, Danielle Jehn, Michael Pracheil, and Will Rahjes.

Two amendments were proposed to Ordinance 932. They will not allow roll-offs, trailers, vehicles, shipping or storage containers in R-1 and R-2 zoning districts and to require temporary POD / temporary storage permit in R-1 and R-2 zones.

Brief discussion was had and Ordinance 932 was read by title. Janssen moved, Richeson seconded, to advance the ordinance, as amended, to third and final reading. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay – none.

Item 6.b) *Amend Engineering Agreement regarding Sanitary Sewer Project* was removed from the agenda and not discussed.

Brenda Jensen of Miller & Assoc. presented the Lake Helen Master Plan that was developed over the last several months. Town Hall meetings and meetings with the Rotary Club, FFA, Lake Helen Committee, and on-line surveys led to development of the plan by helping determine the needs, goals, and vision of the community for the park area. During the visioning process it was decided the Lake Helen area should be a "passive use" park area with spaces for open play or picnicking. Organized recreation areas such as sand volleyball should be located elsewhere. Items included in the proposal are:

- Community building for year round use and outdoor pavilion with in / out door accessible restrooms. The building will have a nice view of the lake.
- Outdoor exercise equipment area. Equipment is grouped instead of spread around the park.
- Splash pad
- Update and relocate play equipment further away from Highway 47. New play equipment for 2 – 12 year olds
- New parking lot
- Labyrinth
- Possible dog park on the southwest (fenced with dog waste receptacle)
- Connected road / trail
- New bridge on the west side
- Upgrade electrical system at the campground
- Add camper pads and concrete pads where picnic tables are anchored
- Upgrade public restroom facilities
- Natural landscaping including clusters of trees and landscaping, water fountains, trail markers, trash receptacles.

Administrator Clymer commented that future campground improvements should include storm shelters and Brenda Jensen said there are grant funds available for storm shelters. He also feels there will be requests to move forward with the splash pads. The minimum splash pad costs about \$150,000. Some things can be done through the annual budgeting process but the complete plan is a lot of money and probably would be done over time.

The City also needs to carefully examine traffic flow and needs before proceeding with any of the road and trail proposal. High speed access from Lake Avenue to the west side of the lake may not be advisable.

Some of the respondents favored a half percent sales tax to fund the amenities. It will take a group to promote the additional sales tax and a public vote on specific uses for the money and after a set time the tax would cease. A half per cent sales tax would result in about \$250,000 / year.

A Tree Board meeting tomorrow will discuss a tree plan, including commemorative trees.

The *Lake Helen & Lafayette Park Recreational Master Plan* is available for review at the City Office.

The Redevelopment Authority has made an offer to purchase 10 acres of the Gothenburg Improvement Company Industrial Site for \$10,000 / acre and is requesting \$100,000 sales tax funds. The property is east of the waste treatment plant.

Janssen moved, Waskowiak seconded, authorizing the use of \$100,000 sales tax funds for the property purchase by the RDA. Roll call vote: Yea – Richeson, Kennedy, Waskowiak, Janssen. Nay – none.

The Chamber of Commerce is adding a light parade to the Magic on Main Street Christmas promotion on December 6. The parade will start at 5:00 p.m. at the Fire Hall on Ave F; go north to 16th Street and west one block to Lake Avenue, then south to 10th Street. The block between 9th and 10th Streets, Lake Ave to Ave F will be blocked off with controlled access for fire truck and hay rack rides.

It's important the Council understand that the State requires 30 days' notice and that the City will assume responsibility and hold the state harmless for any accident or damage that may occur on Lake Avenue during the event. Council member Kennedy suggested future approvals be made by resolution to simplify the process and make it clear to everyone what is needed.

Janssen moved, Kennedy seconded, to allow the Chamber's Magic on Main Street event as proposed. The State Department of Roads will be notified of the event and in doing so the City acknowledges the following:

- a.) The event is within the corporate limits of the City of Gothenburg. The City will assume control of highway N-47 from 16th Street to 10th Street on December 6, 2016 from 4:30 p.m. to 6:00 p.m.
- b.) The City of Gothenburg accepts the legal duty to protect the highway property from any damage that may occur arising out of the special event and the state shall not have any such duty during the time the city is in control of the property.
- c.) The City of Gothenburg accepts the duty to protect the public from damage, injury, or death in making use of the state highway system for the special event, and the state shall not have such statutory or common law duty during the time the city is in control of the property.
- d.) The City of Gothenburg acknowledges that it accepts the duties set out in subsection 2 of LB589/N.R.S. 39-159, and if a claim is made against the state, shall indemnify, defend, and hold harmless the state from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.
- e.) During the time of the event, the City will be responsible for placing appropriate traffic devices including warnings, closure, and detour, etc. as required by the Manual on Uniform Traffic Control Devices.

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

Atty. Bacon conducted the hearing on Mitch Wagner's appeal of his potentially dangerous dog charge. None of the parties involved in the complaint were present but Officer Walkemeyer told Council he had been called to 1902 Ave B about 9:45 p.m. on October 10 where a dog had caused injury to a child's hand. He prepared the necessary report, took pictures of the injury, took witness statements, contacted the owner, and took the dog to Eastside Animal Center. The Police Report, owner's statement, witness statements, and pictures were available for Council. In answer to Council members' questions, Officer Walkemeyer said:

- The injury occurred on the victim's property, 1902 Ave B. The dog owner lives at 1910 Ave B.
- The animal did not appear aggressive and both it and the owner were compliant, friendly, and cooperative. He doesn't know if the bite was an aggressive act.
- The dog did not have City tags.

Council member Kennedy commented that if the pick-up containing the backpack the child was after was on the street, the view from the owner's property could be different from what the neighbor's view was.

Council member Waskowiak commented that the testimonies given are different and it appears the act was unprovoked.

Officer Walkemeyer said the neighbors, Wagner and Jorgensen, do not get along and there is animosity between them. The dog appears overly friendly so he could see how Jorgensen's viewed it as aggressive. He didn't feel the dog intended to bite her but it did.

Janssen moved, Kennedy seconded, that based on the officer's report and the fact the dog was not tagged, the officer's potentially dangerous charge on Mitch Wagner's dog should be upheld. Roll call vote: Yea – Kennedy, Janssen. Nay – Richeson, Waskowiak. There being a tie vote, the Clerk called for the vote of Mayor Hudson and she voted 'Yea'.

The current application for special use permit is brief and does not request information the Council often needs in their decision making process so Administrator Clymer developed a proposal updating the permit process for the Council to review. The process is lengthy but takes the burden off the office staff and puts it on the applicant to provide all information the Planning & Zoning Commission and City Council will need to determine approval of the permit. The required information includes:

- Whether it's a new or expanded / amended permit
- Applicant and owner signature

- Adjoining property owners list and affidavit (forms provided with application)
- Request for plans, site plans, and survey plat
- An applicant's report describing the proposed use in detail
- Check list for various aspects the permit might entail

In discussion Atty. Bacon noted that if we have a property owner's list requirement the problem becomes verification of addresses and ownership, and that involves verification with the courthouse which will add costs.

Suggested additions to the permit were information and plans for drainage and a place for Council action to be added.

No action was taken but the proposal will be reviewed again at the November 1 meeting.

Waskowiak moved, Kennedy seconded, to adjourn the meeting at 8:10 p.m. Roll call vote: Yea – Janssen, Richeson, Kennedy, Waskowiak. Nay - none. The next regular meeting will be November 1, 2016.

Joyce Hudson, Mayor

Connie L. Dalrymple, City Clerk