

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 Kloepping

Press: *Gothenburg Times* - Beth Barrett

Also present: Shane Gruber, Charles McGraw, Eric Most, Roger Tederman, Reed Miller, Dawn Jobman, Joe Richeson, Craig Johnson, Lane Tederman, Leonard & Angie Barkmeier, Steve Peterson, Chris Spencer, Atty. Brent Burkland, William Ellis, Dustin Schledewitz, Casey Sutton, Josh France, Terry Houchin

Mayor Hudson opened the meeting and reconvened the public hearing on a request from *The Crossing Fellowship* for a special use permit to construct a church building at 2302 Ave M, 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.

Anticipating lengthy discussion on some agenda items, Mayor Hudson allowed continuing discussion from May 3 with Charles McGraw on the request for funding to support RYDE Transit.

Mr. McGraw verified the cost request for Gothenburg at \$2145 based on RYDE Transit budget and the approximate 350 riders from here per year. He added there will be a meeting in Gothenburg on June 1 regarding the pilot project for riders from Dawson County, Brady and Lexington to North Platte. He also provided a resolution if the Council decides to participate in funding. The company advertises their service via Facebook, flyers, newspapers and yet some folks were unaware of the opportunity until RYDE began helping the Senior Center.

Council members felt the cost high for being here regularly just one day a week and considering the number of riders used in the calculation includes the temporary service from the Senior Center while their van is incapacitated. However, they did agree it was a worthwhile benefit to the community.

Senior Center Director Angie Barkmeier expressed her appreciation to Mr. McGraw for helping them, for their service to the community, and said his staff is great to work with and she certainly doesn't mind helping arrange out of town rides for citizens using RYDE Transit. However, the Senior Center has assisted about 400 riders a month on a budget of \$3400 and a \$300 donation and the service is run by volunteers. She would like to see some of the service kept locally and even though they will eventually need a different van, she feels the money is better spent in town.

Council member Janssen suggested a lesser amount to be given to both RYDE Transit and the Senior Center. Both are assets to the community.

Janssen moved, Kennedy seconded, to pass and approve Resolution 2016-4 allowing \$1000 to RYDE Transit. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none. A similar donation will be considered for the Senior Center when preparing the 2016-17 budget.

Mayor Hudson reconvened the public hearing on *The Crossing Fellowship* special use permit. She reminded all present that it is a public hearing, not a debate. It will be helpful for the Council to determine what stipulations to place on the permit by having *The Crossing* make their presentation, followed by citizens stating their concerns.

Eric Most, representing *The Crossing*, said the leadership team began with the final destination of their project and worked backward to arrive at a project they can complete in phases. Until completion, the unused area of the property will be alfalfa and a detention pond for run-off water with grass that will be mowed. The entire area is engineered for parking although they are not doing that in Phase 1.

Written information provided for the Council: The leadership team of *The Crossing Fellowship* along with its partners in ministry are prepared to construct a 100' x 150' main structure with 60' x 120' wings on both sides of the main structure. This structure along with the parking will be done in phases. The Crossing is planning for 400 - 450 occupants in Phase 1. The Fire Marshall gave a total combined occupant load of 1483 for the entire building and 787 for the main structure.

Construction Phase 1: Erect the main structure along with both wings. Structural part of the building is metal. All structural aspects of the building will be engineered. Outside finish of the building to be stucco finished on the West, South, and East sides. The South side or front of the building will also have a 4' rock wanes coat. The North side, or back, of the building will have a shadow ribbed metal panel. Phase 1 includes the complete finish of the exterior of the entire building and finishing the main structure to the point that we can hold gatherings, conduct children and student ministries and outreach to the community.

Construction Phase 2: Finish of one of the interior wings and may include additional parking.

Construction Phase 3: Finish of the other interior wing and may include additional parking.

All structural plans will be certified by a structural engineer and meet fire, safety and accessibility codes as reviewed by the Nebraska State Fire Marshall.

Parking Phase 1. Approximately 222 stalls. (See Phase 1 Plan) Initially rock, (will not be the dusty white rock) using crushed granite, crushed concrete, or bottom ash. Phase 1 Plan includes engineering for runoff water for the final parking phase with concrete parking. The runoff from the parking lot will be captured in a detention pond which will allow for 9" of water, below drainage pipes, to perk into the ground. Obviously the time of perk will vary on amount of rain but will normally perk in three to four days. The sides of the detention pond are not steep and will be grass that will be mowed.

Brent Berkland of TC Engineering in North Platte explained the exterior work and master plan using a mowed meadow concept that will lead to a detention pond intended to hold water, accommodating a 10-year rain event. An outlet pipe nine inches above the bottom of the pond will move water via pipe to the City's culvert and ditch. The pond will operate as a shock absorber and gravel will help percolate the water faster. Water moves from the northwest to the southeast and a low spot in the southeast corner works for the pond.

Council member Kennedy asked what the owner would have to do to maintain that area after a few years when dirt and weeds grow in the rock. He also asked if a nine inch sump might allow water to move better. Are the concrete pads at the entrance sufficient size to allow a skid steer to enter and clean what's needed? Brome grass would also filter moving water before it gets to the ditch.

In reply to Council member Waskowiak's question regarding any other options considered, Mr. Berkland replied that the detention pond is the most cost effective option. The lay of the land and raising the building will move water to the pond. Enclosures become costly and difficult to maintain. The site somewhat constrained options but a balanced use and building location, with parking on the east, will help.

Dawn Jobman said she had no issues with the building except that she owns the property directly south of it and is concerned about run-off water. Her concerns were:

1. *"The drainage pool is not where water naturally drains now, according to the neighbors who have water coming through their yards off of the property.*
2. *Site elevations are in conflict with the natural flow of the water, which is not solely to the southeast corner, where the detention pond will be located. Currently a majority of the water drains to the southwest corner and to the north of the property.*
3. *There are manhole covers on the east side of Ave M. Is there a storm sewer system connected to it now? If not, there are 6 lots, and the city has already put in some utilities, (electrical, sanitary sewer). Would the city be willing to install storm sewer drains to make the lots more appealing to potential buyers? And if there is a storm sewer system, if the purposed property were sloped correctly the runoff could be directed into that system at several locations north of the proposed detention pond. Then the run-off water from that property could be drained into that system.*
4. *Some of the water from the property naturally flows to the north, and would do so more efficiently if a culvert were installed under the road at the correct point north of the proposed detention pond site.*
5. *Sanitary sewer will be connected to the city on 23<sup>rd</sup> St. Could part of the storm sewer water be run into the city's system at that point, since part of the water runs that way already?*
6. *If a 30" tube were installed in the ditch at the purposed detention pond site, the ditch on the east side of Ave M would need to be regraded to assure proper drainage. That ditch would need to be a minimum of 36" deep. Then the ditch from that point would need to be properly sloped*

*down the hill. The drainage tube is currently halfway plugged with silt.*

- 7. A berm around the property would prevent flooding, in case the drain tube plugs, and during construction. At this point the transformer located at the northeast corner of my property will be flooded during a big rain because of the grade of the land and the position of the drainage pipe.*
- 8. Has a perk test, on the soil at the site of the pond, been done to determine the rate at which the water would drain from the pond?*
- 9. What is the total run off going to be from the entire paved area and building? And is the drainage system as proposed, sufficient to handle all the run off?*
- 10. Has the fire marshal performed a flow test of the water pressure at the site to accommodate the sprinkler system for the building?*
- 11. Who will be responsible for spraying for mosquitoes if there is standing water in the pond? City? It is my understanding that the bottom of the detention pond is to be 9" below the bottom of the tube? How is this possible if the pond is only 30" deep, and the drainage tube is exactly 30"?*
- 12. If the pond were to fill up who is responsible for the safety of the neighborhood children?*
- 13. Who does the city check for elevation correctness? Are they licensed? Can they flag the property lines before the special use permit is granted to determine the exact location of the pond? Is the elevation at the site of the transformer sufficient to keep it from floodin*
- 14. There is no general contractor on record. Do these plans have an architectural firm's stamp? Is this required by the state fire marshal's office, if so, who is the architect of record for the project? Does this project have a civil engineer's stamp, which is required for a detention pond? If so, who is the civil engineer of record? Since there is no civil engineer stamp for the design of the detention pond, is the person (Brent Berkland) who has stamped the plans to this point, accepting responsibility for any damage to neighboring properties?*
- 15. I would like a written opinion from the city attorney, that if the drainage system causes damage to homeowner, who is ultimately liable for that damage?"*

Atty. Bacon responded that he cannot write an opinion to encompass all things that can go wrong. State law does not allow anyone to increase the burden of water flow onto another. If it does, the property owner is liable. The property owner is the responsible party and they can sue an architect or engineer if the result isn't as they said it would be.

Brief discussion was had as to whether or not a 10 year rain event is sufficient as just a few years ago we had six inches of rain in two days. Dawn asked who surveyed the property. She's been told that neighbors have standing water in their yards now after a large rain. She doesn't now but will she after this?

Craig Johnson lives at 1214 Countryside Lane and is concerned about the detention pond and re-focusing water onto the lots and paving. Has there been consideration of other locations for the pond? A protective berm would be beneficial. He also proposed consideration be given to an east / west alley for the owners on Countryside Lane.

Joe Richeson lives at 2303 Ave L, on the north side of 23<sup>rd</sup> Street. He presented some concerns on behalf of himself and the neighborhood. Some of the questions have already been addressed. No one is opposed to the construction, they just want to protect their property and keep the neighborhood as it was designed, a residential area with limited dust and dirt. He does not believe a 10-year plan is sufficient to control water issues and also wonders if the building and parking area are too big for the property.

Written concerns are:

*"Please consider all factors involved, in order to protect the integrity of the residential neighborhood.*

*The entire drainage system needs to be installed for all parking lot surface area, including future parking lots*

*Who IS responsible for damage to adjacent properties if there is water run-off damage either during or after construction?*

*Questions regarding the detention pond:*

*\*How deep will it be?*

*\*Is it at all a safety hazard... especially for children?*

*\*Is it engineered to drain completely so there is no standing water... i.e. so mosquitoes don't breed in it?*

*\*How will the facility be heated and cooled? If plans include the use of an open loop heat pump, there will be a constant supply of water being discharged into the detention pond... and in turn, it will never be*

dried out.

*\*Is there any way it can plug and overflow, causing water damage to the adjacent neighbor's homes and properties?*

*\*What guarantees are in place that the detention pond is large enough?*

*\*Can the detention pond be placed more in the middle of the property... more like a rain garden?*

*\*Can there be multiple storm sewer pipes installed crossing Avenue M for the entire length of the property?*

*\*Has there been studies done to see how this run-off will affect the homes and road ditches further south on Avenue M? How will Sue Ostergard or Seth Ryker's properties be affected by this run-off?*

*\*Is a detention pond the ONLY way to go? Is it truly ideal?*

*\*How is it possible that the run-off will NOT increase when there will be 312 parking spaces installed and the property is no longer covered with vegetation?*

*\*Is it possible that this facility, including its parking lots, is too big for the size of the property? Does the facility need to be scaled back a bit in order to guarantee the run-off requirements of the property?*

*I would like to see a 30' required setback from the property line to include a berm that has grasses and 4'-6' tall conifer trees installed. Preferably this berm would be put in place before construction begins to help with the dirt control during construction, as well a visual and noise screening.*

*Is it possible to include some green space around the building and within the parking lots?*

*Consider not allowing 23rd street to be used as an access to the property, even during the construction phase.*

*A stipulation put into the special use permit that Avenue L and 23rd Street shall not be used for access to the property, including parking for church activities, once the project is complete.*

*I would like the council to consider the requirement of cement or hard-surfaced parking lots... and to NOT allow gravel, stone or crushed concrete as these all can create dust.*

*How many stalls are there going to be in phase 1 (134, 222 or 312) and of what surface material... concrete or rock?*

*How can a drainage system work properly if there are no hard surfaces installed to grade, and no curbs to guide the water where it needs to go?*

*Who was the licensed surveyor that performed the survey for the owner?*

*We are asking that all outdoor lighting should be required to point straight down.*

*I would like a guarantee that things are finished completely and in a timely manner, once the project begins.*

*Will the project be completed in 3 phases as presented in the letter from the Building Team or 5 phases as posted on the website?*

*I have additional questions about who the General Contractor is for the project. Is there insurance in place from the general contractor? Are all of the contractors for the project registered with the Nebraska Dept. of Labor to ensure those liabilities are in place?*

*As a neighborhood, we request to know what other things the property will be used for?*

*I would also like a stipulation to be that the church building cannot be used for residential use. If I understand the zoning regulations correctly, this would still be zoned a residential area but would be permitted for the church facility. Because of the residential area zoning, it would still be able to be used for single, multiple family or group home living.*

*I would like to see a requirement that it meets zoning regulations, as if it was zoned C 1. Also, a consideration to require asphalt shingles, instead of a metal roof as the entire neighborhood has asphalt shingles, including Hilltop Estates.*

*Could "grass" be clarified for the neighbors? Is it the same kind of grass that would be planted in*

*someone's yard? Or is it more of a "wild" grass? Will there be an irrigation system in place to water all of the grass that will need to be installed on all of the disturbed areas?*

*On the engineer's plans, are "notes" just notes... or are they "set in stone" plans that the contractors must follow?*

*Installing an alley way or easement for an alley for all properties that border the facility.*

*I would like the council to consider extending the public hearing as I feel there is lots of information and possibly even plans that have not been given/submitted to the city for ample viewing, discussion and Q&A by the public.*

*I ask that if the Mayor and City Council cannot ensure that this project will not have any negative effects on the neighborhood residents or their homes and property, that you please consider not issuing the special use permit until you are certain that this project is completed in the manner which is expected and understood by everyone involved.*

*What else is the building and area intended for? The special use permit application says "church building".*

Steve Peterson lives at 2621 Ave M and commented that there could be a lot of water going to the east side of Avenue M. There is now a ditch there and sounds like a storm sewer is needed.

After all parties had been heard, Kennedy moved, Janssen seconded, to close the public hearing at 8:05 p.m. Roll call vote: Yea – Waskowiak, Richeson, Janssen, Kennedy.

Mayor Hudson said that so much information was given and concerns expressed that she feels the Council should not make a decision at this time. The hearing is closed and no more conversation will be had. Three options are available: 1. Take no action. 2. Move forward with a committee made up of *Crossing* representatives, Council members, neighborhood representatives, and City engineers to address concerns and intentions. 3. Allow the permit as requested.

Brief discussion was had and a motion made by Janssen, seconded by Kennedy, to postpone action, move forward with a committee as suggested by Mayor Hudson, and place the question on the June 7 agenda for action. Roll call vote: Yea – Richeson, Waskowiak, Kennedy, Janssen. Nay – none.

Mayor Hudson will appoint two Councilmen, Administrator Clymer, City engineers and one neighborhood representative and two or three from *The Crossing* for a committee of seven or eight members. Administrator Clymer will set up a time to meet.

Administrator Clymer asked the neighborhood to contact him with the name of their representative.

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

- City Council minutes – April 19
- Police Report – April
- Board of Adjustment minutes – April 22
- Health Board minutes – May 9
- Building permit report – April
- Library Director's report – March thru May
- Treasurer's Report – April
- Planning & Zoning Commission minutes – May 10

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

Waskowiak moved, Kennedy seconded, allowing payment of claims against the City, \$12,356.88, except #2405; Public Works Division \$333,152.02 except #2099; and the May 5 payroll of \$41,969.73. Roll Call vote: Yea – Janssen, Richeson, Kennedy, Waskowiak. Nay - none.

Waskowiak moved, Richeson seconded, allowing payment of claim #2405 to (Jeff) Kennedy Landscaping in the amount of \$563.31. Roll call vote: Yea – Waskowiak, Janssen, Richeson. Nay – none.

Waskowiak moved, Janssen seconded, allowing payment of claim #2099 to Gothenburg Irrigation in the amount of \$396.00. Roll call vote: Yea – Kennedy, Janssen, Waskowiak. Nay – none.

Community Comments:

- There will be a ribbon cutting at Lake Helen on Friday, May 20 at 11:00 a.m.
- There will be a City Council Retreat at 5:00 p.m. on Tuesday, May 24 at City Hall

- There will be a Lake Helen Master Plan Coordinating Committee meeting on Thursday, May 26 at 7:00 p.m. at the Library

Janssen moved, Richeson seconded, approving Drawdown #14 on the Downtown Revitalization Project and payment to vendors, Ron Alexander, Deb Meredith, TFC, and to Dutton-Lainson for materials on the corner. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay – none.

According to Chief Olson the Board of Health met on May 5 to review the results of their findings at a previous meeting. The Board had named many issues and some have been remedied, some are in process, and some have taken no action. The home at 1112 17<sup>th</sup> Street, owned by William Ellis, has been vacant for many years; the lawn is overgrown, and is in severe disrepair. Windows are broken, and doors have been open. The Building Inspector has deemed the home unsafe as there is black mold, water damage, rotted floors, and the ceilings are falling down. The inoperable truck on the premises has been removed. Mr. Ellis indicated he would try to start working on the home but did not ask for a hearing as requested in the notice to him. The unanimous decision of the Board of Health was to take further action to address all issues.

Mr. Ellis was present and apologized for failing the community in addressing the issues of the home. He bought it two years ago with the intention of repairing it but due to family health issues in Colorado he has been gone a lot. He has contacted a team that says they can make the home as good as new. If he were to fix the house it would increase the value of the property but he will do whatever is required. The team would take six weeks to finish the project at a cost of \$20,000 but did not provide a start date. He and a nephew rehabbed another house in the area and this was to be the next project. He has since ended his business relationship with the nephew.

Council member Janssen asked if it's even cost effective to repair the home. From his 30 years construction experience he doubts the repairs could be accomplished in six months, certainly not six weeks. He's also done enough remodeling to know that \$20,000 is unrealistic.

As a Board of Health member, Council member Kennedy saw enough to question the safety of the home. The furnace and condenser would be \$8000 to \$10,000 and siding, roof replacement, and painting would be over \$20,000.

A March 21 letter gave Mr. Willis 10 days to request a hearing and he has been unresponsive until today. The intent tonight is to ask the Council to move forward with any legal remedy. Administrator Clymer also feels there is no way \$20,000 can make the home habitable.

Atty. Bacon said the inside of the home must be habitable, not just the outside. If the Council wants to agree to remedial action he strongly suggests a written agreement stating the availability of necessary funds, naming a contractor, what will be done, and when it will be finished. The other option is file suit and get a court order to demolish the home and order to recoup the costs. Demolition can be expensive, especially if there is asbestos.

Administrator Clymer said there has not been an electric meter at the home for 14 years. Two previous owners were unresponsive to requests to repair the property. The neighbor to the east complained about the property for several years and no City action was taken.

Council member Janssen would like to see a written estimate and accountability at the next meeting.

According to Atty. Bacon, Mr. Ellis must provide a realistic contractor, have realistic bids to make the home habitable, have realistic prices and provide a realistic commitment and time frame in writing from a contractor. There must be proof of financial ability to pay the costs or the City goes to court with a per day penalty for failure to meet the contract.

This house has a bad history and the Council appreciated Mr. Ellis responding. Mr. Ellis agreed to provide the required information and will also get an estimate to demolish the house.

The Board of Health also inspected the property at 1518 Ave B owned by Dan Meisinger. The inspection on this home was exterior only and was done by a certified inspector and appraiser. Both said the property is a detriment to the neighboring properties. Meisinger was sent a certified letter and there has been no response or contact from him. Pictures provided to the Council show the home roof needs to be replaced, the back porch has no roof, there is no siding on the front and there are broken windows. When the porch was removed, the eaves rotted and water appears to be entering the home from that location leading to the possibility of mold inside the home. The roof on the north side is in worse condition than the south side and there is a stack of old shingles in the yard.

Janssen moved, Kennedy seconded, directing the City Attorney to take the necessary legal action against the property at 1518 Avenue B. Roll call vote: Yea – Richeson, Waskowiak, Kennedy, Janssen. Nay – none.

When Pin Point Fiber came to town a discussion was had and an agreement reached that they provide mapping of City power poles. Information is to include an image of each pole, longitude and latitude coordinates for each pole, and a brief survey of the condition of each pole, and provide us with that information, updated annually. In exchange, they have the use of our poles for their lines.

Waskowiak moved, Richeson seconded, authorizing signature of the agreement with Pin Point. Roll call vote: Kennedy, Janssen, Richeson, Waskowiak. Nay – none.

First State Bank is in the process of remodeling and has requested they be allowed to raise the sidewalk in front of the bank with a slope on either side. This would create a zero entrance into the bank building by eliminating the upward slope inside the door and be more accommodating to customers. Council member Waskowiak said the bank wants to make the entry ADA accessible by increasing the outside slope according to ADA regulations.

Janssen moved, Richeson seconded, to approve the sidewalk alteration as requested by First State Bank with the addition of handrails and steps from the street no more than seven inches high. Roll call vote: Yea - Kennedy, Richeson, Janssen. Nay – none.

Waskowiak moved, Richeson seconded, to adjourn the meeting at 8:47 p.m. Roll call vote: Yea - Janssen, Kennedy, Waskowiak, Richeson. Nay - none. The next regular meeting will be June 7, 2016.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk