

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: Kenneth Christensen, Eric Most, Jill Nelson, Connie Bratton, Terry Houchin, Brian Riley, Joseph Richeson, Roger Tederman, June Blauvelt, Roger Heiderbrink

Mayor Hudson opened the meeting and public hearing 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 Special Use Permit #136, a request from *The Crossing Fellowship* to construct a church building, was continued from July 29 when there was not a quorum of the Council to vote on the issue.

There being no concerns or comments, a motion was made by Kennedy, seconded by Janssen, to close the hearing at 7:02 p.m. Roll call vote: Yea- Waskowiak, Kennedy, Richeson, Janssen. Nay – none.

A list of stipulations that will be attached to SUP #136 was available for all to review. Mayor Hudson asked for a motion considering the stipulations and commented that a lot of time and thought on the part of *The Crossing*, the City Attorney, City Administration and Council had gone into this process in an effort to accommodate the needs and desires of *The Crossing*, the neighbors, and the community.

In reference to the stipulations, Brian Riley asked why all four sides of the building must have stucco finish instead of just the front as had been proposed. That requirement is cost prohibitive.

Atty. Bacon replied that the zoning regulations require lap siding or masonry so this stipulation grants them an exception to have stucco.

A comment from Council member Kennedy was that while stucco is a popular look now, 20 years ago no one did it. Looking from the north, 220 feet of metal shell will make the building look like a shop and it is in a residential neighborhood. It's a large building with a lot of visibility.

Mr. Riley also asked why they are required to have an additional 25 parking places paved when they had agreed to use an aggregate material that would not create dust. It's another big expense.

Council members Richeson and Kennedy replied that even during the week there will be people on site and that will create dust. It is a very large building and parking area and the intent is to make it fit into a residential neighborhood.

Mr. Riley then asked about the green space requirement. He feels that giving up 20 feet for an alley, 25 feet for a crowned green space and additional area for screening to include trees of specific size at planting takes a lot of property from them that they could be using for their own purposes. It's basically 50 feet around the property.

Council member Richeson said the intent is for the screening (trees) to be on the 25 foot green space. Mr. Riley had no issue with the screening requirement but he has issues with 25 feet of

property they cannot use. Council member Richeson asked where the trees would go if the greenspace requirement was removed.

Neighbor, Joe Richeson, said he'd originally asked for the screening when the parking lot was designed in the back yard.

Mr. Riley wants landscaping for the church but feels the requirement is excessive. Council member Kennedy responded that without specifics, the requirements become vague. The parking lot is a 67,000 square foot area. That's very large in a residential area.

Mayor Hudson said again that the stipulations were prepared with serious consideration and thought keeping *The Crossing* and the neighbors in mind. It's a very large facility in a residential neighborhood.

Kennedy moved, Richeson seconded, approval of Special Use Permit #136 with the following stipulations:

The Crossing  
Special Use Permit #136  
8/2/2016

The proposed use is found to:

- (1) Be compatible with and similar to the use permitted in the district;
- (2) Not be a matter which should require rezoning of the property;
- (3) Not be detrimental to adjacent property;
- (4) Not tend to depreciate the value of the surrounding structures or property;
- (5) Be compatible with the stated intended use of the district;
- (6) Not change the character of the district; and
- (7) Be in accordance with the comprehensive plan.

1. Property is permitted for use as a church.
2. Building shall comply with R-2 design standards. Stucco or simulated stucco permitted as an alternative to brick façade. All sides of the building exterior shall have a minimum of simulated stucco and or stone in accordance with materials exhibited to the city council.
3. Exterior colors, including roof, shall be earth tones.
4. Building location, size and setbacks to be as set forth on drawing provided to City Council. Set back from north property line shall be at least 25 feet. Building shall be set back from Avenue M same distance as building to the North of the property.
5. Cost of survey of city right of way and study of the City storm sewer system shall be borne by the City.
6. The applicant shall devise a storm water runoff detention cell which will discharge no more water into drain ways as the property would do in a state of nature. The applicant shall devise a storm water system which shall discharge no more water into any existing municipal storm water system. Any increase to any one area of the municipal system shall cause an evaluation of the impact to that system. The City has employed the City Engineer to evaluate capacity of the municipal system at the point where The Crossing has proposed the storm water to enter into city right of way; as well as an overall study of future capacity for new development within the geographical area of Ave L to Ave M from 22<sup>nd</sup> Street to 27<sup>th</sup> Street. The study shall identify the impact to the City system by The Crossing development and any improvements required. Costs shall be as follows:
  - a. Cost of survey of city right of way and study of the City storm sewer system shall be borne by the City.
  - b. All improvements on City ROW shall be designed and installed under City control with the following:
    - i. Any improvements required that are directly attributable to The Crossing shall be borne by The Crossing. The Crossing shall be required to enter into an agreement for these improvements once a design is complete.
    - ii. Any improvements that are directly attributable to the entire City storm sewer system shall be borne by the City.
7. The detention cell, and all other components of the storm water system including contouring of the property, shall be approved by the City Engineer for design; and upon

final completion, The Crossing and its successors in interest maintain such in perpetuity. The system shall be in place prior to any placement of materials for parking. Site grading and detention pond shall be completed prior to commencement of building construction. Detention pond shall be set back from East property line 20 feet and 60 feet from South property line and shall be of a configuration approved by the city council on a proposed site plan.

8. Green Space:

a. Adjacent to Alley

Green space of 25feet will be established between the alley and screening area. This area will be crowned no less than 10” and no more than 18” and be planted and maintained with evergreen trees for screening purposes. Trees will be a minimum of 4’ at planting time and be positioned so that they will offer screening to the adjoining property.

b. North of Drive and East of Building

Area shall be maintained in formal grass turf adjacent to the building as follows:

- i. West end 1440 sq. ft.;
- ii. Front east of door 720 sq. ft.; and
- iii. Front west of door 792 sq. ft.

c. Balance of Area

Area of site not dedicated to building and parking shall be seeded to grass and maintained at a height not to exceed 6 inches.

9. Access drive from Avenue M through building canopy shall be paved. Additionally 25 parking spaces will be paved. Aggregate material of crushed granite or similar material for additional parking not to exceed 67,000 square feet is permitted. Aggregate material to be a kind that does not create excess dust. Additional parking in excess of 67,000 square feet shall be paved. Parking lot lights, if any, shall be cast down to avoid glare to neighborhood residences.
10. Applicant shall prepare plat for City Council approval providing dedication of public alley in dimensions and location acceptable to Council. [Note, North side of alley shall be property lot line.]
11. Applicant shall provide proof acceptable to city attorney that: (1) construction contract for completion of building and central core has been entered into with a competent general contractor for a predetermined price; (2) general contractor has appropriate insurance coverage; and (3) Applicant has funds on hand and a firm loan commitment to pay for the construction contract and a reasonable cost overrun.
12. Human occupancy of unfinished portions of the building shall be restricted in accordance with Nebraska State Fire Marshall permit. Future construction in unfinished building areas shall only occur with issuance of a building permit to show compliance with life safety requirements and compliance with city building code.
13. Site drainage plan and pond for drainage detention to be provided prior to commencement of construction by licensed engineer. Plan is subject to approval of City Engineer. Plan is to direct drainage away from existing residences toward retention pond. Location of detention pond is to be in general location and shape as provided to City Council. Costs for City Engineer review shall be paid by Applicant.
14. Construction shall be completed within timeline for municipal ordinance requirement. No building material shall be stored on the property until commencement of construction.
15. Areas of site not dedicated to building and parking shall be seeded to grass and maintained at a height not to exceed 6 inches.
16. Cessation of use as a church shall not authorize the property to be utilized for residential or commercial purposes.
17. Violation of any of the above conditions may be enforced as a zoning violation, in addition to any other remedies of the City of Gothenburg.

Roll call vote: Yea – Janssen, Richeson, Kennedy. Nay – none. Waskowiak did not vote due the proximity of his property to *The Crossing* site.

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

City Council minutes – July 19 & July 22

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

Waskowiak moved, Richeson seconded, allowing payment of claims against the City, \$66,700.47; Public Works Division \$89,695.22; and the July 27 payroll of \$48,222.25. Roll Call vote: Yea – Kennedy, Janssen, Richeson, Waskowiak. Nay - none.

Community Comments:

- An Airport Authority resolution received on July 30 requests \$70,000 in taxing authority for 2016 - 17 fiscal year. Council will need to consider the request at their budget work session and notify the Authority of their decision by September 1.  
Ken Christensen said the 2015-16 airport tax request included \$30,000 for a new roof that has not been installed. The tax payers have already paid that tax and now the Airport has requested more. Administrator Clymer said it should be a question to the Airport's accountant / auditor but it's most likely the same as with City budgeting. Some things are budgeted but the money may be needed somewhere else or things may not be purchased because the price is high.
- This being her last City Council meeting, Administrator Clymer recognized Beth Barrett of the *Gothenburg Times* for her contributions to the community. Amanda Williams, from Independence, KS will fill her position temporarily.
- Administrator Clymer recognized Ira Suhr, Police Dep't Office Clerk and former dispatcher. Ira has been with the City for 45 years.
- The sewer project in the east side of town is moving along. There are temporary street closures but we're hoping to open the street for traffic soon as a graveled way while the project finishes. There has been one water leak due to the vibration caused by heavy equipment.

Richeson moved, Kennedy seconded, to advance Ordinance 931 regarding revision of the extra-territorial zoning jurisdiction to third and final reading. Roll call vote: Yea - Janssen, Waskowiak, Kennedy, Richeson. Nay - none.

June Blauvelt asked Council for permission to close 15<sup>th</sup> Street between Lake Avenue and Avenue F on August 28. The Pony Express Station and Historical Museum are planning a new festival celebrating trails of the west. There will be games and other events and closing the street will enable folks to move freely between the Station and Museum. The event will be from 11:30 a.m. to approximately 4:00 p.m. If the City will provide the barricades they will set and remove them.

Janssen moved, Waskowiak seconded, approving the closure of 15<sup>th</sup> Street by the Pony Express Station as proposed. Roll call vote: Yea – Richeson, Kennedy, Waskowiak, Janssen. Nay – none.

Kennedy moved, Waskowiak seconded, approving the issuance of a Special Designated Liquor License to Cork & Cap Liquor for a wedding reception at the Aden Quonset at Highway 47 and Road 763 on August 27 from 4 p.m. to 12:00 a.m. Roll call vote: Yea – Janssen, Richeson, Waskowiak, Kennedy. Nay – none.

Janssen moved, Richeson seconded, approving the issuance of a Special Designated Liquor License to Constance Bratton dba B's Bottles & Videos, for a customer appreciation event at Landmark Implement, 221 Lake Avenue on August 18 from 3 p.m. to 12 a.m. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay – none.

Janssen moved, Kennedy seconded, approving the issuance of a Special Designated Liquor License to Lazy RW Enterprises, LLC for a tasting event at Nebraska Salt & Grain at 520 10<sup>th</sup> Street, on August 27<sup>th</sup> from 5:00 to 11:00 p.m. The event is sponsored by the Chamber of Commerce AG Committee. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none.

Richeson moved, Kennedy seconded, approving the issuance of a Special Designated Liquor License to Three Brothers Vineyard & Winery for a tasting event at Nebraska Salt & Grain at 520 10<sup>th</sup> Street, on August 27<sup>th</sup> from 5:00 to 11:00 p.m. The event is sponsored by the Chamber of Commerce AG Committee. Roll call vote: Yea – Janssen, Kennedy, Waskowiak, Richeson. Nay – none.

Janssen moved, Waskowiak seconded, approving the issuance of a Special Designated Liquor License to Feather River Vineyards, LLC for a tasting event at Nebraska Salt & Grain at 520 10<sup>th</sup> Street, on August 27<sup>th</sup> from 5:00 to 11:00 p.m. The event is sponsored by the Chamber of Commerce AG Committee. Roll call vote: Yea – Richeson, Kennedy, Waskowiak, Janssen. Nay – none.

Janssen moved, Kennedy seconded, approving the issuance of a Special Designated Liquor License to Nebraskaland Distributors for a tasting event at Nebraska Salt & Grain at 520 10<sup>th</sup> Street, on August 28<sup>th</sup> from 5:00 to 11:00 p.m. The event is sponsored by the Chamber of Commerce AG Committee. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none.

Waskowiak moved, Kennedy seconded, to adjourn the meeting at 7:36 p.m. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none. The next regular meeting will be August 16, 2016.

---

Joyce Hudson, Mayor

---

Connie L. Dalrymple, City Clerk