

Regular City Council Meeting
City Council Chambers

June 16, 2020
5:30 p.m.

Present:

Council Members

Jeff Kennedy
Randy Waskowiak
Verlin Janssen
Jay Richeson

City Administrator

Gary Greer

Deputy City Clerk

Jill Rubenthaler

City Attorney

Mike Bacon

Not Present:

Mayor

Joyce Hudson

Press: *Gothenburg Leader* – Ellen Mortensen
Gothenburg Times – Cheyenne McVay

Also present: Brandi Kloeping, Deb Egenberger, Shane Gruber, Sandy Larson, Todd Larson, Stephanie Walker, Steve Walker, Randy Olson and Craig Wilson

Council President Jeff Kennedy opened the meeting at 5:30 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.

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

Council Minutes – June 2

Police report - May

Treasurer's Report – May

Application for Payment #2 – Van Kirk Bros - \$225,134.70 – Westside Water & Sewer Project

Approve Drawdown #4 for CDBG 18-TD-003067 - \$30,812.43

Resolution 2020-8 regarding appointing Gary Greer as the City's representative for the

Municipal Finance Organization

Approve payment of \$760.00 to CDS Inspections for OOR 16-HO-33067

Approve payment of \$3,130.00 to GOTH06 & Eickmeier Construction

Approve payment of \$3,320.00 to GOTH13 & Eickmeier Construction

Approve payment of \$1,150.00 to GOTH04 & Eickmeier Construction

Approve Drawdown #27 for OOR 16-HO-33067 - \$9,290.65

Roll call vote: Yea – Richeson, Kennedy, Waskowiak, Janssen. No - none.

Waskowiak moved, Kennedy seconded, allowing payment of claims against the City, \$453433.05, except # 61620040; Public Works Division \$516,086.32; the May 6 payroll of \$40,853.27. Roll call vote: Yea - Richeson, Janssen, Kennedy, Waskowiak. No - none.

Waksowiak moved, Janssen seconded, to allow payment of #61620040. Roll call vote: Yea – Richeson, Janssen, Waskowiak. Abstain – Kennedy. No – None.

Community Comments:

- Brandi Kloepping was applauded for her work as City Clerk and wished well in her next job.
- Administrator Greer noted that the Governor's COVID-19 Health Measures are loosening up as of June 22.
- Administrator Greer reported that Street Bonds were sold for 1.4% for the Street Project
- Administrator Greer also said that an updated City Webpage is in the works.
- The Outdoor swimming pool will open June 17.

Sandy & Todd Larson addressed the council concerning a dog attack on their son from October 2017. They reported that he had to have 15 stitches and still has scars and nightmares. They feel that the dog should be declared potentially dangerous and euthanized. Attorney Bacon said that since the reporting police officer did not declare the dog potentially dangerous at the time of the incident, the City Council legally cannot take action on this. He also said that if they wanted to go further with it, they would have to get a lawyer for a civil suit. Larsons said that they have already done so. As such, no Council action was taken.

Deb Egenberger asked on behalf of the Gothenburg Chamber of Commerce that they be able to once again host Farmer's Market on the west side of Ehmen Park from July 16 to September 10. They would like to also have the option of having a possible food truck or two by the corner of 15th Street and Avenue F. Shane Gruber expressed concern over traffic visibility if parking on the corner, but was assured by Egenberger that the food truck would park wherever the City wants them to.

Janssen moved, Richeson seconded, to allow the Farmer's Market from July 16 to September 10 on the west side of Ehmen Park. Roll call vote: Yea –Waskowiak, Kennedy, Richeson, Janssen., No – None.

Egenberger also asked for permission to hold the annual Harvest Festival September 17th – 19th. Because of the COVID 19 virus pandemic, the current guidelines do not allow parades, but she would like permission in case the rules loosen and a parade is feasible. The parade route (Lake Avenue from 27th Street to 9th Street) needs to be approved by the State of Nebraska as it is a State highway. They would like to have Party in the Park on a Thursday or Friday evening, parade and corn hole tournament on Saturday along with Art in the park/vendors at Ehmen Park. This year they would like to use the entire park for vendors/art. For the corn hole tournament, they would like to block off the west ½ of 10th Street between Lake Avenue and Avenue D. Egenberger said that the Honor Guard would like to shorten the parade route to end at 11th Street instead of 9th Street, but Gruber noted that the state detour route would not allow that.

Richeson moved, Janssen seconded, to allow the September 19 Harvest Festival parade as proposed if the COVID Virus Restrictions allow for it. 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 27th Street to 9th Street on September 19, 2020 from 8:00 a.m. to 1:00 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 detours, etc. as required by the Manual on Uniform traffic Control Devices.

Roll call vote: Yea – Kennedy, Waskowiak, Janssen, Richeson. No – None.

Waskowiak moved, Kennedy seconded, to adjourn the meeting at 5:57 p.m. Roll call vote: Yea –Janssen, Richeson, Kennedy Waskowiak. No - none.

Jeff Kennedy, Council President

Jill A. Rubenthaler, Deputy Clerk