

ROLL CALL:

Present:	Not Present:
Mayor	Verlin Janssen
Council Members	Jeff Kennedy
	J Buddenberg
	Jay Richeson
	Aaron Colwell
City Attorney	Mike Bacon
City Administrator	Gary Greer
City Clerk	Misty Bussinger

Press: *Gothenburg Leader* – Ellen Mortensen and Patrick Moore

Also present: Shane Gruber-Building and Facility Director, Nate Baker-Electric Director, Rob Will-Building Inspector, Jason Meinke-Police Officer, Ken Christensen, Shawn Boyd, Dan Butterfield, Linda Butterfield, Lane VanNatta, Lonnie Warner.

Mayor Janssen 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.

PUBLIC HEARINGS:

None.

CONSENT AGENDA:

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

- a) City Council minutes -November 19
- b) Storage Unit Lease Agreement-Shane & Kathleen Gruber
- c) Hangar Lease Agreement-Matt Nichols

Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

CLAIMS:

Colwell moved, Richeson seconded, allowing payment of claims against the General Fund \$371,953.60; Special Funds \$292,602.48; Enterprise Fund \$469,113.46; November 27 payroll of \$57,690.17 and Payroll Transmittals of \$31,310.50 except claims #120324019. Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

Richeson moved, Colwell seconded, to approve claim #120324019. Roll call vote: Yea – Buddenberg, Richeson, Colwell. No – none. Abstained-Kennedy. Motion carried.

Claims Codes: Bu- Building Upkeep, Eq-Equipment, Ex-Expense, Ma-Maintenance, Mi-Mileage, Misc-Miscellaneous, Re-Repairs, Se-Service, Su-Supplies, Ut-Utilities, CI-Capital Improvement, GU-Grounds Upkeep, Reim-Reimbursement, Tax-Tax, Ps-Personnel, Du-Dues.

General Fund Claims: ALLO COMMUNICATIONS LLC \$363.02 Ut; Blue Cross Blue Shield \$54,201.10 Ps; CHARTER COMMUNICATIONS \$129.98 Ut; City of Gothenburg-Debt Service Fund \$285,052.50 Reim; DAVE COLLINS \$165.00 Reim; GEORGIA REEVES \$20.00 Ex; KIRBY BUILT SALES \$599.10 Misc; LANE VANNATTA \$60.00 Ex; LEAGUE OF MUNICIPALITIES \$277.20 Ex; MUNICIPAL SUPPLY, INC \$20.14 CI; Mutual of Omaha \$1,471.31 Ps; PLATINUM AWARDS & GIFTS \$249.85 Misc; STERICYCLE, INC. \$147.19 Ex; Tim Schmeckle \$100.00 Reim; VESTIS \$91.20 Se; Wade Viter Inc \$1,000.00 Misc; Wayne C Wilcoxson \$333.00 Ex; NEBRASKA DEPARTMENT OF REVENUE \$2,713.87 Tax; AMAZON CAPITAL SERVICES \$354.58 Misc, Su, Re; BEVERLY BOGLE LOUTHAN, P.C. \$600.00 Se; EAKES OFFICE SOLUTIONS \$249.98 Su; HOMETOWN LEASING \$186.49 Ex; J.P. COOKE,

CO \$23.40 Misc; JEFFREY KENNEDY – LANDSCAPE \$9,923.75 Misc; MILLER & ASSOCIATES \$5,500.00 Se; NEBRASKA SALT & GRAIN \$1,395.82 Ma; NORTH PLATTE POLICE DEPARTMENT \$5,115.55 Se; PAULSEN INC \$448.16 Ma; Pinpoint Communications \$549.80 Ut; PONY EXPRESS CHEVROLET \$439.49 Re; SYNDICATE PUBLISHING LLC \$172.12 Ex;

Special Fund Claims: Flatwater Bank \$520.00 Ex; Chase Bank \$284,532.50 Ex; Gothenburg Improvement Company \$7,166.98 Ex, First Concord Benefits Group \$383.00 Ps.

Enterprise Fund Claims: ALLO COMMUNICATIONS \$259.25 Ut; City of Gothenburg-Debt Service Fund \$101,356.20 Ex; ENVIRONMENTAL COMPLIANCE SOLUTIONS, \$1,185.00 Se; LEAGUE OF NEBRASKA MUNICIPALITIES \$338.80 Du; MUNICIPAL SUPPLY, INC. 20.15 CI; NE. DEPT. OF ENVIRONMENTAL QUALITY \$23,163.54 Ex; ROB WIEDEMANN \$188.34 Su; SERVI TECH, INC. \$115.00 Se; STERICYCLE, INC. \$147.20 Se; VESTIS \$214.04 Se; AMAZON CAPITAL SERVICES \$668.12 Misc; CITY OF GOTHENBURG \$50,143.40 Reim; EAKES OFFICE SOLUTIONS \$133.74 Su; HINTON'S LOCK & ALARM \$1,826.00 Bu; NEBRASKA SALT & GRAIN \$5,583.32 Gu; PAULSEN BUILDING & SUPPLY \$110.00 Ma; PINPOINT COMMUNICATIONS \$119.08 Ut; PONY EXPRESS CHEVROLET \$179.99 Re; SCHABEN SANITATION INC. \$3,934.05 Ex; STATE HEALTH LAB \$52.00 Se; TOP NOTCH AUTO & MOE'S GRAPHIX \$190.00 Ex; WEATHERCRAFT CO. OF N.P. \$1,216.25 Re; WESCO DISTRIBUTION INC \$4,448.74 Ma; CHASE BANK \$273,521.25 Ex.

Payroll Transmittals: INTERNAL REVENUE SERVICE \$17,973.92 Tax; EMPOWER RETIREMENT \$9,077.37 Ps; AFLAC \$766.32 Ps; NEBRASKA CHILD SUPPORT \$391.86 Ps; South Dakota Division of C \$126.92 Ps; Healthcare Cafeteria \$2,532.62 Ps; Credit Management Servic \$174.52 Ps; County Court of Buffalo \$225.31 Ps, Dependent Care Cafeteria \$41.66 Ps.

COMMUNITY COMMENTS:

City Administrator Greer stated the City received its 2025 Certificate for the airport.

City Administrator Greer stated Magic on Main Street was going on tonight downtown.

DISCUSSION ITEMS:

City Clerk Bussinger discussed Ordinance 1041 Utility Rates (Water/Sewer Updates 2024). This is a 3% increase in water and sewer.

City Clerk Bussinger read AN ORDINANCE SETTING FORTH ALL UTILITY FEES AND CHARGES IN A COMPREHENSIVE SCHEDULE FOR THE CITY OF GOTHENBURG; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

Richeson moved, Kennedy seconded to approve third and final reading of Ordinance 1041 Utility Rates (Water/Sewer Updates 2024). Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

City Administrator Greer discussed Sign Regulations options based on research and asked council for direction and will come back with Ordinance to make any changes. City Administration recommends that the City Council change the sign size regulations to a square foot per linear foot basis and add various sections to increase clarity to the ordinance such as: extension above building, clearance above sidewalk, calculation of letters, free standing signs, and a special use alternative. Additionally, City Administration recommends that the City Council delete the political sign section of the sign regulations in its entirety.

Kennedy moved, Richeson seconded to have Ordinance drawn up based on the City Administration recommendation. Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

City Administrator Greer discussed Change Order No.5 on 2020 ADA Access Ramp Improvements 126-A1-039.

Richeson moved, Colwell seconded to approve Change Order No.5 on 2020 ADA Access Ramp Improvements 126-A1-039. Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

City Administrator Greer discussed Certificate of Compliance of Maintenance Agreement 56. This is an annual certification based on an agreement to maintain state highways.

Buddenberg moved, Kennedy seconded to approve Certificate of Compliance of Maintenance Agreement 56. Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

City Administrator Greer discussed Impact Center Loan Agreement Addendum. This addendum is updating the documents to match what was voted on.

Richeson moved, Colwell seconded to approve Impact Center Loan Agreement Addendum. Roll call vote: Yea –Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

City Attorney Mike Bacon discussed eligibility of elected council. Bacon discussed the procedure to follow related to the recent election. Bacon discussed Section 32-602 of the statutes provides that the City Council shall determine if a person qualifies for the office prior to swearing them to the position. "(5) The governing body of the political subdivision swearing in the officer shall determine whether the person meets all requirements **prior** to swearing in the officer." This statute clearly requires the existing Council to determine if Mr. Butterfield meets all requirements to take the position of Council Member, prior to issuing the oath of office.

Bacon also discussed Section 17-104 of the statutes provides in part: "No person shall be eligible to the office of city council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter." Further, section 32-560 of the statutes provides: "Every elective office shall be vacant, except as provided in section 32-561, upon the happening of any one of the following events at any time before the expiration of the term of such office:.... (5) Incumbent ceasing to be a resident of the state, district, county, township, or precinct in which the duties of his or her office are to be exercised or for which he or she may have been elected;... (7) The candidate who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he or she was a candidate.

Bacon noted the public record of Nebraska Voter Registration public record of the Lincoln County, Nebraska Voter Registration Application for Mr. Butterfield. An email from the Lincoln County Clerk indicates that the application was filed October 4, 2024. Also note that the previous address is listed as 1711 Ave J, Gothenburg, NE, 69138 which was in the East Ward. The current address is shown as 38601 E Highway 30, Gothenburg, NE 69138. This address is in Lincoln County.

Bacon stated based on discussion with the Elections Division of the Secretary of State that the Dawson County Clerk would certify Mr. Butterfield as a winner of the election for the East Ward. State also stated that eligibility for office was to be determined by the City Council as set forth in the statutes section 32-602.

Kennedy moved, Richeson seconded the determination of Dan Butterfield was ineligible to fill council seat based on state statues disqualifying him. Roll call vote: Yea –Kennedy, Richeson, Colwell. No – none. Abstained- Buddenberg. Motion carried.

Mayor Janssen presented plaque to Jeff Kennedy for his years of service.

Kennedy moved, Colwell seconded, to adjourn the meeting at 5:52 p.m. Roll call vote: Yea – Kennedy, Buddenberg, Richeson, Colwell. No – none. Motion carried.

The newly installed Council reconvened at 5:52 p.m.

ROLL CALL:

Present:	
Mayor	Verlin Janssen
Council Members	Lonnie Warner
	J Buddenberg

	Jay Richeson
	Aaron Colwell
City Attorney	Mike Bacon
City Administrator	Gary Greer
City Clerk	Misty Bussinger

Press: *Gothenburg Leader* – Ellen Mortensen and Patrick Moore

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City Attorney Bacon administered the oath of office to newly elected Council member Lonnie Warner.

Colwell moved, Buddenberg seconded, to approve Jay Richeson as the Council President. Roll call vote: Yea – Warner, Buddenberg, Colwell. No - none. Abstained-Richeson. Motion carried.

COMMUNITY COMMENTS:

None.

DISCUSSION ITEMS:

City Administrator Greer discussed 2025 Maintenance Agreement #56 with Nebraska Department of Transportation. This is an annual agreement that we will maintain highways.

Colwell moved, Buddenberg seconded, to approve 2025 Maintenance Agreement #56 with Nebraska Department of Transportation. Roll call vote: Yea – Warner, Buddenberg, Richeson, Colwell. No - none. Motion carried.

Colwell moved, Richeson seconded, to adjourn the meeting at 6:01 p.m. Roll call vote: Yea – Warner, Buddenberg, Richeson, Colwell. No – none. Motion carried.

Verlin Janssen

Verlin Janssen, Mayor

Misty Bussinger

Misty Bussinger, City Clerk