

Present: Mayor – Joyce Hudson  
Council members Jeff Kennedy  
Randy Waskowiak  
Verlin Janssen  
Jay Richeson  
City Administrator Bruce Clymer  
Attorney Steve Vinton  
City Clerk / Treasurer Connie L. Dalrymple

Press: *Gothenburg Times* – Vinny Benedetto

Also present: Tobin Buchanan of 1<sup>st</sup> National Capital Markets, John Holz, Brian Bullock, Shane Gruber, Matt Weiss, Jared Lorensen and Brad Newcomb of NE Game & Parks Commission

Mayor Hudson opened the meeting 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.

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

- City Council minutes – June 2
- Planning & Zoning Commission minutes – June 9
- Board of Adjustment minutes – June 12
- Treasurer's Report - May

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

Kennedy moved, Waskowiak seconded, allowing payment of claims against the City, \$50,37675 except #1944 and #1351; Public Works Division \$340,028.01; and the June 18 payroll of \$41,963.90. Roll Call vote: Yea – Richeson Janssen, Waskowiak, Kennedy. Nay - none.

Kennedy moved, Waskowiak seconded, approving payment of item #1944 and #1551 to Gothenburg Irrigation. Roll call vote: Yea – Janssen, Kennedy, Waskowiak. Nay – none.

Community Comments:

- There have been lots of calls about mosquitoes and we sprayed on Tuesday and Thursday and will spray again on Thursdays until September or October. The chemical costs are \$1200 - \$1300 each time we spray in addition to the labor and equipment costs.
- We've received the *Notice to Proceed* on the Avenue I sidewalks and they are to be completed by August 1.
- We continue to hear good comments about Lake Helen. The floating dock has been installed and when the water comes up, posts will be set to hold it permanently in place.

Tobin Buchanan is arranging the refund of the 2006 State Revolving Loan for sewer work and the reissue of up to \$240,000 bonds that will result in an interest savings of \$24,980. The June 15 payment to the State was not included in the July 15 bond closing document but the 60 day closing notice has been waived.

Councilmember Janssen introduced Ordinance #920 entitled:

*An ordinance authorizing the issuance of sewer revenue refunding bonds, Series 2015, of the City of Gothenburg, Nebraska, in the aggregate principle amount of not to exceed two hundred forty thousand dollars (\$240,0000) for the purpose of providing for permanent financing and refinancing of the costs of enlarging, expanding and improving the city's sanitary sewer system by paying and redeeming the City's currently outstanding 2006 sewer revenue note to the Nebraska Department of Environmental Quality; directing the application of the proceeds of said bonds; prescribing the form, terms and details of said bonds; pledging and hypothecating the revenues and earnings of the sewer system of said city for the payment of said bonds and interest thereon; providing for the collection, segregation and application of the revenues of said sewer system; entering into a contract on behalf of the City with the holders of said bonds; and providing for publication of this ordinance in pamphlet form*

and moved that the statutory rule requiring ordinances to be fully and distinctly read on three different days be suspended, seconded by Council member Kennedy. The roll was called and the following voted “Aye”: Waskowiak, Richeson, Kennedy, Janssen. “Nay”: none.

The motion to suspend the statutory rule having been concurred in by three-fourths of all members of the council was declared passed and adopted; whereupon Ordinance 920 was read by title and Council Member Richeson moved for final passage of said Ordinance. Council Member Waskowiak seconded the motion. The Mayor stated: “Shall Ordinance 920 be passed and adopted?” The roll was called and the following voted “Aye”: Kennedy, Janssen Waskowiak, Richeson. “Nay”: none.

The passage and adoption of said Ordinance having been concurred with by a majority of all members elected to the Council, was by the Mayor declared passed and adopted, and the Mayor signed the ordinance in the presence of the council and the Clerk attested the passage and approval of the same and affixed the seal of the City thereto.

Waskowiak moved, Kennedy seconded, approval of Drawdown #4 on the Downtown Revitalization Project in the amount of \$10,200 and payment to the owners: Richeson Well Service, \$5000, Gothenburg Irrigation \$5000, and Platte Valley Scientific, \$200. Roll call vote: Yea – Kennedy, Janssen, Waskowiak. Nay – none.

Janssen moved, Kennedy seconded, approval of Pay Request #5 and payment to Myer Construction for Lake Helen work in the amount of \$520,127.67. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none.

Waskowiak moved, Kennedy seconded, approving Mayor Hudson’s appointment of Brent DeBoer to the Fire Department. Roll call vote: Yea – Kennedy, Janssen, Richeson, Waskowiak. Nay – none.

Waskowiak moved, Richeson seconded, approving Pay Request #4 to Van Kirk Brothers for sewer improvements in the amount of \$90,529.74. Roll call vote: Yea – Kennedy, Janssen, Richeson, Waskowiak. Nay – none.

Ground water has been a big issue on the sewer project. More dewatering wells were required due to ground saturation from recent rains. Verizon and Sprint fiber lines were also in the path. The contractor is now flushing the system and taking samples on the line to the industrial site. Some directional signs would be helpful on 4<sup>th</sup> Street since it’s been closed for quite a while.

Susan Brodine from Dawson Area Development has provided a Limited English Proficiency plan similar to the City of Kearney that provides processes and methods of providing access to meetings and records for persons with limited understanding of English. The plan is required for communities accessing federal grants.

Janssen moved, Kennedy seconded, to pass and approve Resolution 2015-5 adopting the Limited English Plan. Roll call vote: Yea – Waskowiak, Richeson, Kennedy, Janssen. Nay – none.

A grievance policy is required in conjunction with the Limited English Plan and addresses Americans with Disabilities Act and housing.

Richeson moved, Janssen seconded, to pass and approve Resolution 2015-6 adopting the Grievance Policy for Americans with Disabilities Act, Title VI, Limited English Proficiency and Fair Housing. Roll call vote: Yea – Kennedy, Waskowiak, Janssen, Richeson. Nay – none.

The City received a \$130,000 grant from the Department of Environmental Quality (DEQ) for alum treatment of the Lake Helen. Paul Brakhage of Lake Tec is of the opinion the treatment is needed but now DEQ isn’t so sure it’s necessary.

According to Mr. John Holz, a professor of aquatic ecology, alum treatments are a lake management technique that adds aluminum to water to remove phosphorus and retard its growth in sediment thereby reducing algae. It’s added to drinking water in some cities. He provided some statistical information and pictures of high phosphorus level water bodies before and after treatment.

Alum is added to water from a moving barge and binds to the phosphorus. Some considerations in adding alum include: The faster it’s added, the more effective it is

- It should be applied in uniform and complete coverage

- Safety precautions should be taken to protect the operators and equipment

- Lake water quality should be monitored

According to Mr. Holz, the goal is to take Lake Helen from 121 ppb to 25 ppb; however, Gothenburg is using well water to fill the lake and well water contains phosphorus. Considering well water, combined with run-off and water fowl, it's estimated to take about 9.5 years to raise the water phosphorus level to 75 ppb and at that point we would begin to see trouble. Of course, if we can keep the geese out, the alum would last longer. Alum can also be used in smaller home ponds.

Discussion was had on the depth of the well and possibly deepening it to reduce phosphorus. We need to determine the phosphorus level in the lake.

The cost of the treatment, that would take place when the lake is full, is \$90,000 - \$100,000. Originally the cost was estimated at \$130,000 but the reduction in lake area and the use of well water instead of canal water has reduced the cost. Once the initial treatment is made, maintenance treatments would reduce the annual dosage and cost.

Administrator Clymer commented that DEQ is not sure the treatment is necessary and we know the phosphorus level will increase over time. The goal of the Lake Helen project was to reduce phosphorus and save the lake for public use. Both Paul Brakhage and John Holz favor the treatment. DEQ has indicated that if the treatment is not done, the funds allotted for alum could be used to offset the cost of the additional excavation required at the lake.

The Game & Parks Commission is scheduled to stock some fish in the lake in July and again in September.

The matter of the alum treatments in Lake Helen will be taken up again at the July 7 meeting so we can provide DEQ with an answer. A variance is required to apply the alum. In the meantime, Administrator Clymer will check on the variance and Shane Gruber will have water samples tested from the lake well.

Council had no objection to a request from Chamber Director Matt Weiss to hold the Farmer's Market on the east side of Ehmen Park on Thursdays beginning July 9 through September. They will place barricades.

Kennedy moved, Janssen seconded, to pass and approve Resolution 2015-7 entering into an agreement with the Village of Brady and allowing Mayor Hudson to sign the accompanying agreement for Gothenburg to provide mosquito spraying for the Village of Brady. Roll call vote: Yea – Richeson, Waskowiak, Janssen, Kennedy. Nay – none.

Brian Bullock requested an extension of time to remove the unsafe garage on his parent's property at 808 10<sup>th</sup> Street. He is removing the building himself and hopes to have it down in a month and the debris hauled away soon after.

Kennedy moved, Waskowiak seconded, allowing Brian Bullock a 60 day extension to remove the garage at 808 10<sup>th</sup> St. Roll call vote: Yea – Richeson, Janssen, Waskowiak, Kennedy. Nay – none.

Mackenzie Ostendorf was cited as owner of a potentially dangerous dog when the dog was found with another dog in a neighbor's chicken pen with eight dead chickens. Levi Walker appeared before Council to appeal the *potentially dangerous* designation because they do not feel the dog is dangerous. Examples given were the dog's gentleness with Ostendorf's three year old daughter, the dog doesn't bother the family's chickens in the country, the vet doesn't feel the dog is dangerous, and the dog was not aggressive toward the police. Normally the dog is kept in a pen but he dug out. Walker has fixed the pen so the dog cannot get out and has apologized to the owner of the chickens and paid them for the chickens. The owners like the dog and said they only saw it in the pen with the chickens and did not see the attack. Walker and Ostendorf had agreed to keep the dog temporarily for some friends but decided to keep it permanently. They have been saving money for tags, vaccinations, and neutering, but they do not have money to keep the dog if it's labeled potentially dangerous.

Chief Olson said on May 27 he was called to a residence on Ave D where two dogs were in a chicken pen and eight chickens were dead. Both dogs got out of the pen and ran off when the resident went outside. The chickens were still warm and wet. No one saw the attack on the chickens, only the dogs in the coop. One of the dogs was followed to a residence and was aggressive when the police arrived. Chief Olson called its owner who brought the dog to the Police Dep't. The dog has since been euthanized.

The Ostendorf / Walker dog had no tags, no record of vaccinations, and no one had reported a missing dog. Once ownership was established, the owners were advised of the ordinance, the requirements for keeping a potentially dangerous dog, and their right to appeal the designation to the City Council. If

Council agrees with the designation, the owners can comply with the terms of the ordinance, remove the dog from city limits, or have the dog destroyed.

Atty. Vinton asked Chief Olson if he believed the dog killed the chickens.

Chief Olson says he did not see the attack and the owners saw the dog in the pen so the dog appeared to have mauled the chickens. In answer to Council member Richeson's questions, he said when he took the dogs to the vet there was no evidence on the dogs, no way to know for sure. By ordinance it is the owner's responsibility to be sure dogs have shots and licenses. He agrees with Levi, the chicken owners, and the vet but it is still deemed potentially dangerous because once an animal kills chickens or other animals they are likely to do it again. The intent of the ordinance is to protect humans and domestic animals. He did not release the dog because there was no evidence the dogs had received their rabies shots.

Council Member Janssen commented that we all have responsibilities and if we can't afford to meet the obligations of dog ownership maybe shouldn't have a dog and he doesn't feel the Council is in a position to second guess the Police Officer on the scene.

Chief Olson said if the dog is potentially dangerous, and the owner chooses to keep it, there are several costly requirements, including \$300,000 liability insurance, when outside the dog must be kept in an enclosure with a top and secured bottom so it cannot dig out, and the property posted. The dog must be muzzled and in the company of an adult when in public. It will be registered annually and the owner must prove they've met the requirements.

Mr. Walker said he understood the ordinance but doesn't feel the dog is dangerous and no one saw it kill the chickens. If Council upholds the finding he cannot keep the dog due to the cost.

Ultimately Janssen moved, Richeson seconded, to uphold Chief Olson's determination that the Walker / Ostendorf dog is potentially dangerous. Roll call vote: Yea – Kennedy, Waskowiak, Richeson, Janssen. Nay – none.

Council member Kennedy told Mr. Walker that he handled himself well in a difficult situation and as a member of the Council he appreciates that. These situations are not easy for the owners or the Council.

Waskowiak moved, Kennedy seconded, allowing request for payment from Myer Construction for work on Lake Helen in the amount of \$44,994.09. Roll call vote: Yea – Janssen, Richeson, Kennedy, Waskowiak. Nay – none.

Waskowiak moved, Kennedy seconded, to adjourn the meeting at 8:42 p.m. Roll call vote: Yea – Janssen, Kennedy, Richeson, Waskowiak. Nay - none. The next regular meeting will be July 7, 2015.

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Joyce Hudson, Mayor

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Connie L. Dalrymple, City Clerk