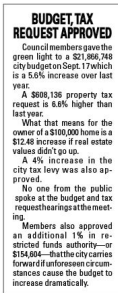


## City settles sewer lawsuit

Written by Elizabeth Barrett

Friday, 27 September 2013 16:14 -

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### Homeowners to get money from 2010 damage.

Five local homeowners, and two who have since moved to Iowa, will receive money from the city to help pay for damage to their homes from heavy rainfall in 2010.

At the Sept. 17 meeting of the Gothenburg City Council, members settled a lawsuit with the homeowners who had sued for damages.

The council passed a resolution that authorized an agreement to pay \$8,286 to each of the couples and individuals.

Four individuals and one couple, Kevin and Kandra Connolley, Rex Crisman, Charlene Morris, Dirk Kolbo and Donica Williams will get up to an additional \$1,000 to pay for back-flow devices.

Delvin Seil and Bruce and Tiffany Tiedermann, who now live in Iowa, are the other property owners.

More than three years ago, the residents and others spent most of the summer and beyond repairing basements from damage caused by a two-day deluge in June.

The heavy rain caused sewage to back up in several basements around town.

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Clean-up, reconstruction and other costs were submitted to the city's insurance agent but were later denied because the event was determined to be an "act of God."

The homeowners took the city to court two years ago seeking monetary compensation.

City attorney Mike Bacon pointed out that the agreement terminates any ongoing costs of litigation and that the city does not admit any wrongdoing or liability by approving the agreement.

Bacon, whose partner Steve Vinton represented the city, said the city agreed to settle the lawsuit to avoid the ongoing expense of litigation.

A lump sum of \$58,000 was set aside in the 2013-14 budget to settle with homeowners.

The amount to pay for back-flow devices, that stop sewage from flowing into basements, could differ for each property owner and would be beyond the budgeted amount.

City administrator Bruce Clymer said those payments would come from the sewer fund.

Homeowners whose basements were damaged by water and sewage from a water line break two months ago may also sue for damages since the city's insurance company said it wouldn't pay the claims submitted.

On another matter, the council listened to an update on the Lake Helen rehabilitation project.

City engineer Travis Mason of Miller & Associates Consulting Engineers of Kearney said he

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hopes the project gets approval and a permit by the U.S. Army Corps of Engineers by February 2014.

Mason said the engineering firm had submitted documentation for a permit only to be told by corps officials that another type of permit was needed.

“It’s not you guys,” he told the council. “It just takes time and isn’t easy.”

After the permit is issued, he said the project will be bid and construction will start. He noted that waiting so long may allow the lake to dry out to the point that heavier equipment could be brought in to excavate part of the lake faster.

That could result in a less expensive project, he said.

Apparently Mason said the corps has not dealt with a project like Lake Helen before and wants detailed analysis of how the lake will be better after improvements are made.

Mason said the corps is involved in the project because it has jurisdiction over all U.S. surface waters.

Water from the Platte River flows through a Nebraska Public Power District canal system that feeds water into Lake Helen.

In other business, the council:

- introduced and waived three hearings to change residential inspections from a city to a state employee.

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- authorized a signature agreeing to Dawson County Mutual Aid which means the Gothenburg Volunteer Fire Department would provide mutual aid in the county if needed and vice versa. The agreement is a formality since the practice is already done.
- approved the following depositories for city funds: First State Bank, Gothenburg State Bank, The Investment Service Company, The Hartford (pension), Wells Fargo Bank, Great Western Bank and Equity Bank (Corporate Plan management, the city's insurance carrier).
- took no action on a request by Jesse Rios to vacate an alley east of Avenue L.

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