

## **Property owners sue over sewer damage**

Written by Elizabeth Barrett  
Thursday, 15 August 2013 14:34 -

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### **Plaintiffs seek compensation from 2010 deluge**

Seven property owners have taken the city to court.

They seek monetary compensation after nearly 10 inches of rain in June of 2010 caused sewage to back up in basements.

Clean-up, reconstruction and other costs were submitted to the city's insurance agent but were denied coverage because the event was an "act of God," according to local attorney Steve Vinton who is representing the city along with North Platte attorney Royce Norman.

During an Aug. 6 meeting of the Gothenburg City Council, the council went into a 23-minute closed session to discuss the lawsuit and took no action upon reconvening.

Vinton said the owners also claim that the damage has caused a drop in the value of their homes.

In the lawsuit, he said the owners are trying to prove that negligence caused the damage.

At previous council meetings, some of those affected by sewage said an area east of Avenue G and below 12th Street had sewage backup issues before the torrential rain.

The homeowners suing the city are Kevin Connolley and Kandra Connolley, Donica Williams, Charlene Morris, Rex Crisman, Delvin Seil and Dirk Kolbo, all of Gothenburg, and Bruce Tiedemann and Tiffany Tiedemann, who have since moved to Iowa.

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Following a public hearing, the council said “yes” to a request from the owners of a new restaurant to apply to the state for a liquor license.

Terry Jessen and Diana Unterseher want a Class C liquor license to sell beer and other alcohol by the drink in their new restaurant—the Nebraska Barn & Grill—and off the premises by package from their bar and gift shop.

Unterseher said they’re hoping to open the restaurant and gift shop by mid August.

In other action, the council passed a resolution that updates language and user fees for liquor sales, contiguous lot agreements and sexually oriented businesses.

A one-time fee for liquor sales is \$25, a yearly license fee for a sexually oriented business will cost \$500 which is the same amount for an investigation of the business.

Contiguous lot agreements will cost \$100. Deed and staking fees at the cemetery both cost \$30.

Council members also accepted a budget request from the Gothenburg Airport Authority for 2013-14.

Airport authority members have requested \$72,669 for improvements such as additional hangar space and the installation of airport lights.

The request is a 16% increase over the \$62,540 the council granted the previous year.

On another matter, the council learned that the Gothenburg Tree Board has applied for a grant to plant street trees through the Nebraska Forest Service Retree Nebraska program.

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Jeff Kennedy, council president and member of the tree board, said a grant will provide 10 trees to promote a certain species.

Kennedy said the tree board will pay \$50 per tree to have them professionally installed and the homeowner will be encouraged to donate \$50 for the installation.

Smaller trees will be planted, he said, and property owners will be asked to water them.

He added that trees have been proven to cool communities, slow down and filter rainwater and slow traffic because streets appear less open with trees.

In other business, the council:

granted a request for a special liquor license for a Gothenburg Chamber of Commerce Beef, Wine and More event on Aug. 23 in the Nebraska Salt & Grain downtown building.

gave the go ahead for the Chamber to block off portions of Lake Avenue and other streets for the Harvest Festival parade Sept. 21.

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