

MINUTE RECORD
GIBBON CITY COUNCIL
Tuesday, February 21, 2023

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Tuesday, February 21, 2023. Notice of the meeting was given in The Shelton Clipper on February 16, 2023, and by posting at Gibbon City Hall, Gibbon Post Office and Gibbon Exchange Bank.

Mayor Deb VanMatre called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited. The Open Meetings Notice is posted on the north wall of the Council Chambers. The City of Gibbon abides by the Open Meetings Act in conducting business.

Roll Call: Leon Stall: Present
Derrick Clevenger: Present
Bob Krier: Present
Kevin Kraenow: Present
Present: 4: Absent: 0

Submittal of Requests for Future Items: None

Reserve Time to Speak on Agenda Items: Jeff Burmood requested time on agenda item 6.3.4.1.3 Building permit 2023-03

Presentations and Proclamations:

Buffalo County Sheriff Department—Sergeant Bradley Hall: Sergeant Hall reviewed the monthly reports. There was nothing significant to report. The CSO's were busy following the snow events with parking violations and sidewalk code enforcement.

Mayor Report—Deb VanMatre: Mayor VanMatre provided information on the items to be acted upon later in the meeting, including resolutions and motions in regard to a mower lease for the golf course, the annual rate change for Gibbon Pack, surplus item to sell, pool and golf course fee increases and council meeting date changes.

City Administrator Report—Matthew Smallcomb: Mr. Smallcomb informed the council that we will begin advertising for summer help and that we will have two students from the UNL Rural Fellowship program in the community for seven weeks this summer. The reapplication for the CCCFF grant was submitted and we should know in March if we are approved. The Community Development Block Grant for Public Works (CDBG-PW) is on hold until September. One of two sets of automatic doors have been installed at the new city hall building. The second set is on order. There are nine confirmed golf tournaments scheduled at the golf course. Councilman Kraenow asked about the high repair bill on the claims. Mr. Smallcomb explained it was for the 1989 dump truck and that he would like to put those funds towards a new one however there were none available, and we needed the truck. Councilman Clevenger asked about volunteers helping with the new park equipment. Clevenger mentioned the school age kids are needing volunteer hours and possibly could help with the project. Mr. Smallcomb will get more information on when it will be done and have the parks superintendents coordinate with students and volunteers.

City Treasurer Report—Susan Tonniges: Ms. Tonniges updated the council on the city's financials. The city is four months into the fiscal year with 30% of the budget used. Some noteworthy deposits for January were the UPRR derailment settlement, the sale of the Niles lot, and the Rosen Foundation donation toward the community center.

Proclamation—FBLA Week Proclamation: The Mayor formalized the proclamation which had previously been signed with the students.

WHEREAS, Future Business Leaders of America, Inc. (FBLA) is a nonprofit educational organization whose first chapter was established in Johnson City, Tennessee, in 1942; and WHEREAS, Iowa became FBLA's first state chapter in 1947; and WHEREAS, Gibbon FBLA officially chartered its FBLA local chapter in 1966; and

WHEREAS, FBLA includes more than 250,00 members and advisers in 4,600 chapters nationwide in middle schools, high schools, colleges, universities, career and technical schools, and private business schools; and

WHEREAS, FBLA is a professional business organization dedicated to bringing business and education together in a positive working relationship through innovative leadership and career development programs; and

WHEREAS, FBLA members perform community service activities and strive to build a student's understanding of the realities of the modern business world; and

WHEREAS, FBLA teaches middle school, high school, and college students' basic business and leadership principles; and assists them in the transition from school to work;

NOW, THEREFORE, I, Deb VanMatre, Mayor of Gibbon do hereby proclaim February 5-11, 2023, as NATIONAL FBLA WEEK in the City of Gibbon.

Public Hearing

One- and Six-Year Plan of Street Improvement Hearing:

A motion was made by Leon Stall to open the hearing at 7:13 p.m., seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Kevin Kraenow: Yea; Bob Krier: Yea
Yea: 4; Nay: 0. Motion carried.

The purpose of the hearing is to hear support, opposition, criticism, suggestions or observations from the public on the One- and Six-Year Plan of Street Improvements. Jess Hurlbert from Olsson was present to review the plan. He explained that in 2022 no paving was done. Additions to the plan for 2023 were discussed. The mayor asked if there were any comments from citizens. There were none.

Derrick Clevenger moved to close the hearing at 7:32 p.m., seconded by Bob Krier.

Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea; Leon Stall: Yea
Yea: 4; Nay: 0. Motion carried.

Consent Agenda:

A motion was made by Leon Stall to approve the Consent Agenda except for item 6.3.4.1.3 Building Permit 2023-03, seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

The items approved in the Consent Agenda were as follows:

Minutes of the January 17, 2023, Regular Council Meeting

Claims for the Month of February

Buffalo County Sheriff Department Report

Treasurers Report

Gibbon Volunteer Fire Department Report

Planning Commission Report

Building Permit 2023-01—Peyton Zeller—802 Turkey Drive—Fence

Building Permit 2023-02—Robert Morris—203 1st Street-Accessory Building

Library Report

Heritage Center Report

Item 6.3.4.1.3 – Building Permit 2023-03 for Gibbon Pack was removed from the consent agenda at the request of Jeff Burmood. Mr. Burmood was concerned with the permit and what their plans are for the accessory building, as well as the effect the operations would have on the city. Mayor VanMatre indicated the agenda item is to approve the report of the Planning Commission, which includes approved building permits. Permits are approved based on zoning regulations for the structure and not what the intended use is. Gibbon Pack has obligations with the city in regard to the wastewater plant, and there are meetings scheduled to discuss their plans. We are also working on an industrial permit which would go through the council and not the commission.

A motion was made by Derrick Clevenger to approve Building Permit 2023-03, seconded by Leon Stall.

Derrick Clevenger: Yea; Leon Stall: Yea; Kevin Kraenow: Nay; Bob Krier: Yea
Yea: 3; Nay: 1. Motion carried.

Resolutions and Motions:

A motion was made by Leon Stall to approve Resolution No. 2023-01—Authorizing the Lease with The Huntington National Bank for the Acquisition of a Mower for the Municipal Golf Course, seconded by Derrick Clevenger.

RESOLUTION NO. 2023-01

A resolution authorizing the negotiation, execution, and delivery of Lease No. 008-0873062-100 dated October 18, 2022 (the "Lease"), between City of Gibbon, 715 Front Street, Gibbon, NE 68840 and The Huntington National Bank, 11100 Wayzata Blvd, Suite 700, Minnetonka, MN 55305; and prescribing other details in connection therewith. WHEREAS, City of Gibbon Nebraska, (the "Lessee") is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of Nebraska; and WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements; and WHEREAS, Lessee hereby finds and determines that the execution of a Lease for the purpose of leasing with the option to purchase the property designated and set forth in the Lease is appropriate and necessary to the function and operations of the Lessee; and WHEREAS, The Huntington National Bank, (the "Lessor") shall act as Lessor under said Lease; and WHEREAS, The Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and law of the State; NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA: Section 1. The Lease, in substantially the form as presently before the governing body of the Lessee, is hereby approved, and the MAYOR of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the governing body of the Lessee, with such changes therein as shall be approved by such officer, and which Lease will be available for public inspection at the office of the Lessee. Section 2. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease. Section 3. The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and such obligations under the Lease shall not constitute a general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of Nebraska. Section 4. All other related contract and agreements necessary and incidental to the Lease are hereby authorized, ratified and approved. Section 5. This resolution shall take effect immediately upon its adoption and approval.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Leon Stall to approve Resolution No. 2023-02 to Approve and Adopt the One and Six Year Plan for Street Improvements, seconded by Bob Krier.

RESOLUTION NO. 2023-02

Whereas, In accordance with the statutes of the State of Nebraska and as prescribed by the Board of Public Roads Classifications and Standards, Notice of Hearing has been given publication in the legal newspaper of Gibbon, Nebraska, and by posting in three public places within the City, of a Hearing on the One and Six Year Plans of Street Improvements of Gibbon, to be held at the City Office on the 21st day of February, 2023, at 7:15 p.m. for the purpose of hearing comments and objections to said plans. Whereas, upon said Hearing, the City Council finds that the plans submitted are adequate for the purpose prescribed by law and that the same should be approved. Now therefore, be it resolved by the Chairman and City Council of Gibbon, Nebraska that the One and Six Year Plan for specific improvements during the current year are hereby approved and adopted.

Leon Stall: Yea; Bob Krier: Yea; Kevin Kraenow: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Derrick Clevenger to approve Resolution No. 2023-03 to Modify the Amount and Fixed Cost of Contaminates Allowed from Gibbon Pack to the Waste Water Treatment Plant, seconded by Leon Stall.

RESOLUTION NO. 2023-03

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, to modify the amount and fixed cost of contaminates allowed from Gibbon Pack to the Wastewater Treatment Plant.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, AS FOLLOWS:

Section 1: The amount of contaminates that Gibbon Pack shall be allowed to discharge into the Gibbon Wastewater Treatment Plant on a monthly average shall be the following levels:

BOD	10,889 kg/day
FOG	6,800 kg/day
TKN	1,314 kg/day
TSS	11,799 kg/day
Chlorides	1,068 kg/day

Section 2: The amount of fixed rate increase from \$86,686.00 per month to \$89,363.00 per month an increase of \$2,677.00 per month. Capital construction bond cost of \$3,450.00. Total monthly fixed billing \$92,813.00 beginning with the February 2023 billing:

These levels and rates shall be based on a 30-day month.

Section 3: Maximum daily levels of contaminates may be unilaterally imposed at a later date.

Derrick Clevenger: Yea; Leon Stall: Yea; Bob Krier: Yea; Kevin Kraenow: Yea

Yea: 4; Nay: 0. Motion carried.

A motion was made by Derrick Clevenger to approve Resolution No. 2023-04 Directing the Sale of Surplus Property, seconded by Leon Stall.

RESOLUTION NO. 2023-04

RESOLUTION OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, to direct the sale of surplus property.

WHEREAS the City desires to dispose of one 2003 pickup box from a 1-ton Chevy pickup and believes the fair market value of the item to be less than \$5,000.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA that the City shall sell a 2003 pickup box from a 1 ton Chevy pickup of which has a fair market value of less than \$5,000. Such sale shall be conducted via an online auction such as Big Iron, Purple Wave, or similar auction service, with the following instructions:

1. Bids must be submitted with the auction service.
2. The high bidder, regardless of city staff's ability to contact such bidder, will have until 5 days after the end of the auction to make full payment. The failure to make such payment will result in either a) the City accepting the next highest bid, or b) the City rejecting all bids and canceling the sale.
3. If no bid is received, the property may be placed for sale on a regional or national equipment sales website or sales service.

WHEREAS, State Statue 17-503.02 allows for the sale of surplus personal property by posting the sale in three prominent places within the City for a period of not less than seven days prior to the sale.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Gibbon that the following City property be sold according to the terms listed above.

2003 pickup box from a 1-ton Chevy pickup.

Derrick Clevenger: Yea; Leon Stall: Yea; Bob Krier: Yea; Kevin Kraenow: Yea

Yea: 4; Nay: 0. Motion carried.

A motion was made by Leon Stall to approve the Fee Schedule for the Municipal Swimming Pool, seconded by Bob Krier.

Leon Stall: Yea; Bob Krier: Yea; Kevin Kraenow: Yea; Derrick Clevenger: Yea

Yea: 4; Nay: 0. Motion carried.

A motion was made by Leon Stall to approve the Fee Schedule for the Municipal Golf Course, seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Leon Stall to approve the Temporary Use Animal Permit 2023-02 for Amanda Johnson—509 3rd Street—Chickens/Rabbits, seconded by Kevin Kraenow.

Leon Stall: Yea; Kevin Kraenow: Yea; Derrick Clevenger: Yea; Bob Krier: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Derrick Clevenger to change the March meeting date and time from Monday, March 20, 2023 at 7:00 p.m. to Monday, March 13, 2023 at 5:00 p.m., seconded by Leon Stall.

Derrick Clevenger: Yea; Leon Stall: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Leon Stall to change the time of the April 17, 2023 Meeting from 7:00 p.m. to 7:30 p.m., seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

Other Items:

The next regular Council Meeting will be on Monday, March 13, 2023, at 5:00 p.m. The meeting date is changed to accommodate Mayor and Council schedules.

Adjourn:

A motion was made by Leon Stall to adjourn the meeting, seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

Mayor VanMatre adjourned the meeting at 7:55 p.m.

Pamela Rasmussen

Matthew Smallcomb

Deborah VanMatre



City Clerk

City Administrator

Mayor

SEAL

