

MINUTE RECORD
GIBBON CITY COUNCIL
Tuesday, February 22, 2022

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Tuesday, February 22, 2022. Notice of the meeting was given in The Shelton Clipper on February 17, 2022 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: Jeff Burmood: Present
Derrick Clevenger: Present
Bob Krier: Present
Leon Stall: Present

Present: 4: Absent: 0

Submittal of Requests for Future Items: None

Reserve Time to Speak on Agenda Items: Brandon Jacques - Ordinance No. 636

Presentations and Proclamations:

Buffalo County Sheriff Department—Captain Anderson: Captain Anderson reported January activities for the department. Christopher Jarmin will be done with his training and graduate at the end of April. There was nothing significant to report for January. The CSO officer has been working with the city on ordinance violations.

Mayor Report—Deb VanMatre: Mayor VanMatre informed the Council that the March 19 Strategic Planning meeting has been cancelled and will be rescheduled for a later date. There are several board appointments and reappointments on the agenda, which will fill the active boards at this time.

City Attorney Report—Barry Hemmerling: Mr. Hemmerling reported there are several ordinance updates on the agenda. These reflect legislative updates, and there will be more next month. Code books will be updated as well.

City Administrator—Larry Homan: Mr. Homan reported there are two staff vacancies, which are for the cemetery sexton and the recreation department coordinator. Keno receipts for January were \$3,158.94 compared to \$5,909.38 for last year. Sales Tax receipts for were \$36,107.50, up from \$14,587.59 for last year. There were four building permits this month. Mr. Homan report the Civic and Community Center Finance Fund (CCCCF) grant application for \$375,000 along with business letters of support and recent survey results had been submitted. Mr. Homan is continuing to seek additional funding options for the Fire Hall/City Hall/Community Room project. The coordination for wood reclamation on the Jarmin house will be taken care of by end of the month. The project manager with the State Department of Roads stated sidewalk and some shoulder work will need to be completed in the spring. There were two revised building permits submitted for the BC Estates subdivision. The golf course will open for the season on April 1st. Matt has been working with Deb Stroh at the school to develop an informative video multi-media presentation of Gibbon's water and waste water operations. Spring clean-up date is scheduled for May 7th. We have reached out to former seasonal employees to gauge interest for the summer. Mr. Homan let the council know we've received the assessment of damages from the December 15, 2021 wind storm, which included damage to trees, fencing at Rosen Park, Davis Park, Legion Park, power lines in Davis Park, the flag pole at city hall and some holiday decorations. Mr. Homan met with staff for internal strategic planning and training sessions to discuss and prepare for 1-3 years out.

City Treasurer Report—Susan Tonniges: Susan reported on the financials. The city is one third of the way into the fiscal year and totals show we are on track. She also went over the sales tax reports.

Piper Sandler & Company—Brad Slaughter: Mr. Slaughter went over the information on the General Obligation Municipal Building Bond Series 2022 in the amount of not to exceed \$465,000.

Proclamation—FBLA Week Proclamation: The Mayor formalized the proclamation previously signed.

WHEREAS, Future Business Leaders of America is a nonprofit educational organization whose first chapter was established in Johnson City, Tennessee, in 1942; and

WHEREAS, this organization has grown now to encompass over 250,000 members and advisers nationwide in middle schools, high schools, colleges, universities, career and technical schools, and private business schools; and

WHEREAS, FBLA inspires and prepares students to become community-minded business leaders in a global society through relevant career preparation and leadership experiences; and

WHEREAS, 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 high school student basic business and leadership principles; and PBL helps university, college, technical, and business school students to make the transition from school to work;

NOW, THEREFORE, I, Deb VanMatre, Mayor of the City of Gibbon, do hereby proclaim the second week in February, as NATIONAL FBLE-PBL WEEK in the City of Gibbon.

Public Hearing:

One- and Six-Year Street Improvement Hearing:

A motion was made by Leon Stall to open the hearing at 7:17 p.m., seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Jeff Burmood: 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 Street Improvements. Jess Hurlbert from Olsson was present to go over the proposed improvements. He explained that in 2021 there was no new street paving done, however maintenance was done on some streets. The Mayor asked if there were any comments. There were none.

Leon Stall moved to close the hearing at 7:21 p.m., seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Jeff Burmood: Yea; Bob Krier: Yea

Yea: 4; Nay: 0. Motion carried.

Ordinances:

Ordinance No. 636 Parking on Residential Use Property

Ordinance No. 636 now came up for second reading. Ordinance No. 636 entitled: AN ORDINANCE OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA TO PROHIBIT PARKING ON RESIDENTIAL USE PROPERTY.

A motion to approve Ordinance No 636 was made by Leon Stall, seconded by Jeff Burmood.

There were several citizens who voiced their concerns on needing clarification on where they can park, what is considered prepared surface, and what is considered a side and back yard.

After much discussion Leon Stall moved to amend Ordinance No. 636 to include definitions of where the side yard and back yards start, clarifying prepared surface and the 60% of a vehicle parked in front on your property, seconded by Jeff Burmood.

Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea

Yea: 4; Nay: 0. Motion carried.

A motion was made by Bob Krier to approve the Ordinance No. 636 as amended on the second reading, seconded by Leon Stall.

Bob Krier: Yea; Leon Stall: Yea; Jeff Burmood: Yea; Derrick Clevenger: Yea

Yea: 4; Nay: 0. Motion carried.

Whereupon the Mayor declared Ordinance No. 636 approved as amended on its second reading.

Ordinance No. 637 General Obligation Municipal Building Bonds

Thereafter Council Member Derrick Clevenger introduced Ordinance No. 637 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION MUNICIPAL BUILDING BONDS OF THE CITY OF GIBBON, NEBRAKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$465,000) ISSUED FOR THE PURPOSE OF CONSTRUCTING MUNICIPAL BUILDING IMPROVEMENTS IN AND FOR THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM and moved that the statutory rule requiring reading on three different days be suspended. Council Member Leon Stall seconded the motion to suspend the rule.

Derrick Clevenger: Yea; Leon Stall: Yea; Bob Krier: Yea; Jeff Burmood: Yea
Yea: 4; Nay: 0. Motion carried.

The motion to suspend the rule was adopted by majority of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance 637 was then read by title AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION MUNICIPAL BUILDING BONDS OF THE CITY OF GIBBON, NEBRAKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$465,000) ISSUED FOR THE PURPOSE OF CONSTRUCTING MUNICIPAL BUILDING IMPROVEMENTS IN AND FOR THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM and thereafter Council Member Derrick Clevenger moved for final passage of the Ordinance, seconded by Council Member Leon Stall. The Mayor then stated the question, "Shall Ordinance No. 637 be passed and adopted?"

Derrick Clevenger: Yea; Leon Stall: Yea; Bob Krier: Yea; Jeff Burmood: Yea
Yea: 4; Nay: 0. Motion carried.

The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

Ordinance No. 638 Public Participation at Public Meeting

Thereafter Council Member Bob Krier introduced Ordinance No. 638 entitled: AN ORDINANCE RELATING TO PUBLIC PARTICIPATION AT PUBLIC MEETINGS and moved that the statutory rule requiring reading on three different days be suspended. Council Member Jeff Burmood seconded the motion to suspend the rule.

Bob Krier: Yea; Jeff Burmood: Yea; Leon Stall: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0. Motion carried.

The motion to suspend the rule was adopted by majority of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title AN ORDINANCE RELATING TO PUBLIC PARTICIPATION AT PUBLIC MEETINGS and thereafter Council Member Jeff Burmood moved for final passage of the Ordinance, which motion was seconded by Council Member Leon Stall. The Mayor then stated the question, "Shall Ordinance No. 638 be passed and adopted?"

Jeff Burmood: Yea; Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea
Yea: 4; Nay: 0. Motion carried.

The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

Ordinance No. 639 Publishing Ordinances in Electronic Form

Thereafter Council Member Bob Krier introduced Ordinance No. 639 entitled: AN ORDINANCE RELATING TO PUBLISHING ORDINANCES IN ELECTRONIC FORM and moved that the statutory rule requiring reading on three different days be suspended. Council Member Derrick Clevenger seconded the motion to suspend the rule.

Bob Krier: Yea; Derrick Clevenger: Yea; Leon Stall: Yea; Jeff Burmood: Yea
Yea: 4: Nay: 0. Motion carried.

The motion to suspend the rule was adopted by majority of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title AN ORDINANCE RELATING TO PUBLISHING ORDINANCES IN ELECTRONIC FORM and thereafter Council Member Jeff Burmood moved for final passage of the Ordinance, which motion was seconded by Council Member Bob Krier. The Mayor then stated the question, "Shall Ordinance No. 639 be passed and adopted?"

Jeff Burmood: Yea; Bob Krier: Yea; Leon Stall: Yea; Derrick Clevenger: Yea
Yea: 4: Nay: 0. Motion carried.

The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

Ordinance No. 640 Conflicts of Interest Involving Contracts

Thereafter Council Member Leon Stall introduced Ordinance No. 640 entitled: AN ORDINANCE RELATING TO CONFLICTS OF INTEREST INVOLVING CONTRACTS and moved that the statutory rule requiring reading on three different days be suspended. Council Member Derrick Clevenger seconded the motion to suspend the rule.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Jeff Burmood: Yea
Yea: 4: Nay: 0. Motion carried.

The motion to suspend the rule was adopted by majority of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title AN ORDINANCE RELATING TO CONFLICTS OF INTEREST INVOLVING CONTRACTS and thereafter Council Member Bob Krier moved for final passage of the Ordinance, which motion was seconded by Council Member Leon Stall. The Mayor then stated the question, "Shall Ordinance No. 640 be passed and adopted?"

Bob Krier: Yea; Leon Stall: Yea; Jeff Burmood: Yea; Derrick Clevenger: Yea
Yea: 4: Nay: 0. Motion carried.

The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

Ordinance No. 641 Relating to Abandoned Vehicles

Thereafter Council Member Bob Krier introduced Ordinance No. 641 entitled: AN ORDINANCE RELATING TO ABANDONED VEHICLES and moved that the statutory rule requiring reading on three different days be suspended. Council Member Leon Stall seconded the motion to suspend the rule.

Bob Krier: Yea; Leon Stall: Yea; Derrick Clevenger: Yea; Jeff Burmood: Yea
Yea: 4: Nay: 0. Motion carried.

The motion to suspend the rule was adopted by majority of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title AN ORDINANCE RELATING TO ABANDONED VEHICLES and thereafter Council Member Jeff Burmood moved for final passage of the Ordinance, which motion was seconded by Council Member Leon Stall. The Mayor then stated the question, "Shall Ordinance No. 641 be passed and adopted?"

Jeff Burmood: yea; Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea

Yea: 4: Nay: 0. Motion carried.

The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

Ordinance No. 642 Relating to Property Tax Requests and the Procedure for Setting Them Thereafter Council Member Derrick Clevenger introduced Ordinance No. 642 entitled: AN ORDINANCE RELATING TO PROPERTY TAX REQUESTS AND THE PROCEDURE FOR SETTING THEM and moved that the statutory rule requiring reading on three different days be suspended.

Council Member Leon Stall seconded the motion to suspend the rule.

Derrick Clevenger: Yea; Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea

Yea: 4: Nay: 0. Motion carried.

The motion to suspend the rule was adopted by majority of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title AN ORDINANCE RELATING TO PROPERTY TAX REQUESTS AND THE PROCEDURE FOR SETTING THEM and thereafter Council Member Jeff Burmood moved for final passage of the Ordinance, which motion was seconded by Council Member Leon Stall.

The Mayor then stated the question, "Shall Ordinance No. 642 be passed and adopted?"

Jeff Burmood: Yea; Leon Stall: Yea; Bob Krier: Yea; Derrick Clevenger: Yea

Yea: 4: Nay: 0. Motion carried.

The passage and adoption of said Ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein.

Consent Agenda:

A motion was made by Leon Stall to approve the Consent Agenda, seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Jeff Burmood: Yea

Yea: 4; Nay: 0. Motion carried.

The items approved in the Consent Agenda are as follows:

Minutes of the January 18, 2022 Council Meeting

Minutes of the January 31, 2022 Special Council Meeting

Claims for the Month of February

Buffalo County Sheriff Department Report

Treasurers Report

Planning Commission Reports

Building Permit 2022-03—Susan Winchester—9360 Pawnee Road—Residential Addition

Building Permit 2022-04—Central Nebraska Cremation—311A LaBarre Street—Fence

Building Permit 2022-05—Central Nebraska Cremation—18 Garfield Street—Fence

Building Permit 2022-06—Willis Construction—702 Turkey Drive—Revised Building Permit

#2021-07—New Residential Home

Library Report

Heritage Center Report

Reappointment of Steven Ackley to Planning Commission

Reappointment of Brandon Jacques to Planning Commission

Appointment of James Winchester to the Planning Commission

Appointment of Kyle Swanson to the Planning Commission

Reappointment of Lee Power to Heritage Center Board

Reappointment of Carol McGregor to Housing Agency Board

Appointment of Bobbi Gangwish to the Housing Agency Board

Appointment of Darryl Volquardsen as Alternate to the Board of Adjustments

GVFD Membership Application—Brett Rasmussen

GVFD Membership Application—Tristan Earll

Resolutions and Motions:

A motion was made by Leon Stall to approve Resolution No. 2022-01—One- and Six-Year Street Plan, seconded by Jeff Burmood.

Resolution No. 2022-01

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 22nd day of February, 2022, 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; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Derrick Clevenger to approve the renewal of the Temporary Use Animal Permit No. 2022-01—Trent & Leslie Petska—204 Scout—Chickens, seconded by Leon Stall.

Derrick Clevenger: Yea; Leon Stall: Yea; Bob Krier: Yea; Jeff Burmood: Yea
Yea: 4; Nay: 0. Motion carried.

A motion was made by Jeff Burmood to approve the request by Marc Willis for BC Estates to allow for the 25' Cul-de-sac Street width for Turkey Drive. This is for approval of the street width only, and does not infer final approval for the concrete or other infrastructure related to the subdivision, seconded by Leon Stall.

Jeff Burmood: Yea; Leon Stall: Nay; Derrick Clevenger: Nay; Bob Krier: Nay
Yea: 1; Nay: 3. Motion failed.

Other Items:

The council strategic planning session scheduled for March 19 will be rescheduled. The next regular council meeting will be held on Monday March 21, 2022 at 7:00 p.m.

Closed session: A motion was made by Leon Stall to enter into closed session for the purpose of discussing potential litigation, seconded by Jeff Burmood. The pending motion was to go into closed session for the purpose of discussing potential litigation.

Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0. Motion carried.

The Mayor, City Council, City Administrator, City Attorney and City Clerk moved into closed session at 8:10 p.m.

A motion was made by Leon Stall to return to open session at 8:26 p.m., seconded by Jeff Burmood. The purpose of the closed session was to discuss potential litigation.

Leon Stall: Yea; Jeff Burmood: Yea; Derrick Clevenger: Yea; Bob Krier: Yea
Yea: 4; Nay: 0 Motion carried.

Adjourn: A motion was made by Leon Stall to adjourn the meeting, seconded by Bob Krier.

Leon Stall: Yea; Bob Krier: Yea; Jeff Burmood: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0. Motion carried.

Mayor VanMatre adjourned the meeting at 8:26 p.m.

Pamela Rasmussen

Larry L. Homan

Deborah VanMatre

City Clerk

City Administrator

Mayor

SEAL