

MINUTE RECORD
GIBBON CITY COUNCIL
Monday, August 21, 2023

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Monday, August 21, 2023. Notice of the meeting was given in The Shelton Clipper on August 17, 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: None

Public Hearing:

Community Development Block Grant (CDBG) Application

A motion was made by Leon Stall to open the hearing at 7:02 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 Community Development Block Grant Application. Lori Ferguson with South Central Economic Development went over the process of the application and grant information. The mayor asked if there were any comments from citizens. There were none.

A motion was made by Derrick Clevenger to close the hearing at 7:16 p.m., seconded by Leon Stall.

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

Conditional Use Permit No. CP-2023-01 Essentially Innate Chiropractic & Wellness, PC located at 812 Court Street, Suite B

A motion was made by Leon Stall to open the hearing at 7:16 p.m., seconded by Derrick Clevenger.

Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: 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 Conditional Use Permit for Chiropractic & Wellness located at 812 Court Street, Suite B. The mayor asked if there were any comments from citizens. There were none.

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

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

Presentations and Proclamations:

Buffalo County Sheriff's Department--Captain Anderson: Captain Anderson gave the monthly report. The department received and distributed the door breaching kits. Kits were delivered to schools and patrol units have some breaching tools as well. The third speed trailer was delivered and ready for use. There will be one trailer stored in Gibbon to be used in the eastern part of the county. Last month was a busy month for enforcement and nuisances. Captain Anderson announced that the department is fully staffed in road patrol at this time. He will bring new staff members for introductions to upcoming meetings.

Mayor Report—Deb VanMatre: Mayor VanMatre had nothing to report.

City Administrator Report—Matthew Smallcomb: Mr. Smallcomb asked if there were any questions on the operations report. There were none. The bid let for the Community Center and City Hall renovations was Thursday, August 17th. There were two bids and were lower than expected. Matt will have the information at the work session on Monday, August 28th. There will be a walk-through with BD Construction, Olsson and the fire marshal at the fire department. Matt introduced new employee Oscar Cuellar who works in wastewater and water department.

City Treasurer Report—Susan Tonniges: Ms. Tonniges reviewed the monthly financials and continues to work on the budget.

City attorney Report—Barry Hemmerling: Mr. Hemmerling requested going to closed session to discuss the NDEE 2015 consent decree.

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; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

The items approved in the Consent Agenda were as follows:

Minutes of the July 24, 2023, Regular Council Meeting

Minutes of the August 14, 2023, Council Budget Work Session

Claims for the Month of August

Buffalo County Sheriff Department Report

Treasurers Report

Planning Commission Report

Building Permit 2023-18—Mitchell Mentzer—5585 Lowell Road--Fence

Building Permit 2023-19—James Warrington—1116 2nd Street—Accessory Building

Building Permit 2023-20—Dawn Adams—215 Sout Street--Fence

Heritage Center Report

Library Report

Reappointment—Ivan Klein—Library Board

Reappointment—Susan Webster—Heritage Center Board

Reappointment—Kevin McGregor—Heritage Center Board

Resolutions and Motions:

Resolution No. 2023-11

A motion was made by Leon Stall to approve Resolution No. 2023-11 permitting the temporary closing of a public street for the Exchange Bank Appreciation BBQ, seconded by Bob Krier.

RESOLUTION NO. 2023-11 RESOLUTION TEMPORARILY CLOSING PUBLIC STREET

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GIBBON, NEBRASKA that LaBarre Street from Front Street to the alley between front Street and 1st Street will be closed to vehicular traffic on September 14, 2023, from 4:00 p.m. to 8:00 p.m. for a customer Appreciation BBQ for Exchange Bank.

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

Resolution No. 2023-12

A motion was made by Leon Stall to approve Resolution No. 2023-12 directing the sale of real property described as Lot Seven (7) and East One Foot (1') of Lot Eight (8), Block Two (2), Original Town of Gibbon, Buffalo County, Nebraska, seconded by Derrick Clevenger.

RESOLUTION NO. 2023-12 A RESOLUTION OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, DIRECTING THE SALE OF REAL PROPERTY HEREINAFTER DESCRIBED PURSUANT TO NEB.REV.STAT. 17-503; TO PROVIDE FOR THE PUBLICATION OF NOTICE OF SALE; TO PROVIDE THE TERMS AND CONDITIONS OF SAID SALE AND TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE SALE.

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

Section 1. The Mayor and Council hereby direct that the City of Gibbon shall sell the following described real property, hereinafter referred to as the "Real Property", to-wit: Lot Seven (7) and the East One Foot (1') of Lot Eight (8), Block Two (2), Original Town of Gibbon, Buffalo County, Nebraska.

Section 2. Said Real Property shall be listed for sale with a real estate broker and shall be sold for cash. The Mayor and Council may reject any and all offers at their discretion. The sale shall be "as is".

Section 3. The conveyance of the above-described Real Property shall be by Corporation Deed upon delivery of the consideration to the City of Gibbon by the purchasers.

Section 4. Notice of the proposed sale and the terms thereof shall be published once each week for three (3) consecutive weeks in the Clipper, a legal newspaper published in and of general circulation in the City of Gibbon. The City Clerk is hereby directed and instructed to prepare and publish such notice.

Section 5. The registered voters of the City of Gibbon may file a remonstrance against the proposed sale of the above-described Real Property; and if a remonstrance against such sale signed by registered voters of the City of Gibbon equal in number to thirty percent (30%) of the registered voters of the City voting at the last regular municipal election held therein is filed with the City Council within thirty (30) days after the third publication of the notice, such Real Property shall not then, nor within one (1) year thereafter, be sold.

Section 6. Following the passage of this Resolution, publication of notice and passage of the thirty (30) day right of remonstrance, without the filing of a remonstrance, said Real Property shall be sold as set forth hereinabove. Such shall be confirmed by passage of an ordinance stating the name of the purchaser and the terms of the sale.

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

Resolution No. 2023-13

A motion was made by Leon Stall to approve Resolution No. 2023-13 Authorizing the Mayor to Sign the Municipal Annual Certification of Program compliance 2023, seconded by Kevin Kraenow.

Resolution No. 2023-13 SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2023

Whereas: State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include the resolution on the governing body of the municipality authorizing the signing of the certification.

Be it resolved that the Mayor of City of Gibbon is hereby authorized to sign the Municipal Annual Certification of Program Compliance.

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

Resolution No. 2023-14

A motion was made by Derrick Clevenger to approve Resolution No. 2023-14 Authorizing Chief Elected Official to sign an application for CDBG Funds, seconded by Leon Stall.

Resolution No. 2023-14 AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of Gibbon, Nebraska, is an eligible unit of general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City of Gibbon, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed planning grant application and received favorable public comment respecting the application which, for an amount of \$53,000.00, for a planning grant study of the downtown area of Gibbon; and,

NOW, THEREFORE, BE IT RESOLVED BY The City council of the City of Gibbon, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Gibbon and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

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

A motion was made by Leon Stall to approve the application to the Nebraska Liquor Control Commission by Lucky Duck Bar & Lounge for the addition of indoor area, 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 Derrick Clevenger to approve the engagement letter with Dana F. Cole & Company to perform the audit of the financial statement for the year ended September 30, 2023, seconded by Bob Krier.

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

A motion was made by Leon Stall to approve the Planning Commission Recommendation to approve the Conditional Use Permit No. CP-2023-01, 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 Subdivision of Real Estate for Dondee, Inc. by Dennis Farrell for Units A, B, C and D on Drew Lane, seconded by Derrick Clevenger.

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

A motion was made by Derrick Clevenger to adopt the Statement of Assurances and Certifications, Citizen Participation Plan, and Residential Anti-Displacement and Relocation Assistance Plan as required as part of the CDBG application, seconded by Bob Krier.

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

A motion was made by Leon Stall to approve the Law Enforcement Police Services Contract between the City of Gibbon and Buffalo County Sheriff's Office, 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 City Council Budget Work Session will be held on August 28, 2023, at 4:30 p.m.

Budget Hearing and Budget Summary will be held on September 18, 2023, at 6:30 p.m.

The Special Hearing to Set Final Tax Request following the Budget Hearing and Summary on September 18, 2023, at City Hall.

The next regular Council Meeting will be on Monday, September 18, 2023, following the Special Hearing to Set Final Tax Request at City Hall.

Closed Session:

The Mayor requested to enter into closed session per City Attorney Barry Hemmerling to protect the public interest on discussing the NDEE 2015 Consent Decree. No action will be taken after the closed session.

A motion was made by Leon Stall to enter closed session to protect the public interest on discussing the NDEE 2015 Consent Decree, seconded by Derrick Clevenger.

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

The mayor, council, city attorney, city administrator and city clerk moved into closed session at 8:02 p.m.

The council moved out of closed session at 8:21 p.m.

A motion was made by Leon Stall to move out of closed session, seconded by Derrick Clevenger.
Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Kevin Kraenow: Yea
Yea: 4; Nay: 0. Motion carried.

Adjourn:

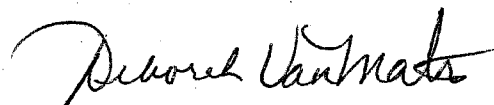
A motion was made by Leon Stall to adjourn the meeting, seconded by Derrick Clevenger.
Leon Stall: Yea; Derrick Clevenger: Yea; Kevin Kraenow: Yea; Bob Krier: Yea
Yea: 4; Nay: 0. Motion carried.

Mayor VanMatre adjourned the meeting at 8:21 p.m.

Pamela Rasmussen

Matthew Smallcomb

Deborah VanMatre



City Clerk

City Administrator

Mayor

SEAL

