

## MINUTE RECORD

### GIBBON CITY COUNCIL

Monday, November 20, 2023

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Monday, November 20, 2023. Notice of the meeting was given by posting on the City's website, published in The Shelton Clipper on November 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 west 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: Absent

Kevin Kraenow: Present

Present: 3: Absent: 1

Submittal of Requests for Future Items: None

Reserve Time to Speak on Agenda Items: None

#### Presentations and Proclamations:

Buffalo County Sheriff's Department—Captain Bob Anderson: Captain Anderson provided the monthly report. October was a good month with little activity and good weather. Members of the department have been attending sporting and community events. He indicated the speed trailer is now housed in Gibbon at the Legion shop. The department is currently fully staffed. The mayor and councilmen Stall and Clevenger complimented the department for their presence at the events.

Mayor Report—Deb VanMatre: Mayor VanMatre indicated that the proposed ordinances to be acted on are updates which are needed due to state statutes passed during the last legislative session. She reported on her attendance at the League of Municipalities Legislative Committee meeting and provided the council with a brief update on upcoming legislative issues and proposals. There are limitations on elected officials' participation on ballot issues. More information will be provided moving forward.

City Administrator Report—Matthew Smallcomb: Mr. Smallcomb emphasized the importance of the upcoming legislative issues. He informed the council that notification was just received that the city was awarded a CDBG Planning Grant, and he will have more information at the December meeting. He reported that the city is fully staffed at the wastewater and water departments with the hiring of Chance Donohoe. The open house at the fire hall scheduled for December 2<sup>nd</sup> is postponed due to the delay of an electrical panel. We will schedule an open house at a later date. The street and park departments are getting ready for the 2<sup>nd</sup> Annual Christmas in the Park that will be on December 2<sup>nd</sup>. Mr. Smallcomb provided information on the waste gas building fire status. New parts are 48-55 weeks out. He and the city engineers are working on a solution to get the gas system operational temporarily. A representative from Miller Mechanical will be on site on November 21 to go over parts and possible solutions. Our city engineer gives the State of Nebraska a monthly update on the status.

City attorney Report—Barry Hemmerling: Mr. Hemmerling discussed the proposed ordinances and updated language which addressed any state statutes that were passed in the last legislative session.

City Treasurer Report—Susan Tonniges: Ms. Tonniges reviewed the monthly financials. She noted the end of year report, with zero balances for any tax supported funds. The October report includes the new budget figures and balances for the first month of the fiscal year.

Ordinances:

Ordinance No. 665 Relating To Minutes: To Harmonize With State Law; To Repeal Conflicting Ordinances An Section; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Minutes: To Harmonize With State Law; To Repeal Conflicting Ordinances An Section; And To Provide An Effective Date and thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 665 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 666 Relating To Special Elections; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Special Elections; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date and thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 666 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 667 Relating To Special Elections; To Harmonize With State Law; To Repeal Conflicting Ordinance and Sections; and To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Special Elections; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date and thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 667 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 668 Relating To Proposed Budget Statements and The Imposition of A Property Tax For Payment of Bonds Issued or Expected To Be Issued; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Proposed Budget Statements and The Imposition of A Property Tax For Payment of Bonds Issued or Expected To Be Issued; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date and thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 668 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 669 Relating To Proposed Budget Statements, Their Hearing and Adoption and The Certifications of The Tax Amount; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Relating To Proposed Budget Statements, Their Hearing and Adoption and The Certifications of The Tax Amount; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 669 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 670 Relating To Adopted Budget Statements And Certification Of Tax Amounts To The Levying Board, Their Filing And The Certification Of The Amount Of Tax; To Harmonize

With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Relating To Adopted Budget Statements And Certification Of Tax Amounts To The Levying Board, Their Filing And The Certification Of The Amount Of Tax; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 670 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 671 Relating To Maximum Property Tax Levies And The Required Procedure To Exceed The Maximum Amount; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Relating To Maximum Property Tax Levies And The Required Procedure To Exceed The Maximum Amount; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 671 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 672 Relating To The Procedure For Property Tax Requests For An Increase More Than The Allowable Growth Percentage; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 reads by title Relating To The Procedure For Property Tax Requests For An Increase More Than The Allowable Growth Percentage; To Harmonize With State Law; To

Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date thereafter  
Council Member Stall moved for final passage of the Ordinance, which motion was seconded by  
Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 672 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 673 Relating To The Sale And Conveyance Of Real Property; To Harmonize With  
State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date  
A motion was made by Council Member Stall that the statutory rule requiring reading on three  
different days be suspended. Council Member Clevenger seconded the motion to suspend the  
rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Relating To The Sale And Conveyance Of Real Property; To  
Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An  
Effective Date thereafter Council Member Stall moved for final passage of the Ordinance, which  
motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 673 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 674 Relating To Animal Abandonment, Neglect, and Mistreatment; To  
Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An  
Effective Date

A motion was made by Council Member Stall that the statutory rule requiring reading on three  
different days be suspended. Council Member Clevenger seconded the motion to suspend the  
rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Relating To Animal Abandonment, Neglect, and  
Mistreatment; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections;  
And To Provide An Effective Date thereafter Council Member Stall moved for final passage of  
the Ordinance, which motion was seconded by Council Member Kraenow.

The mayor then stated the question "Shall Ordinance No. 674 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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. 675 Relating To Criminal Trespass; To Harmonize With State Law; To Repeal  
Conflicting Ordinances And Sections; And To Provide An Effective Date.

A motion was made by Council Member Stall that the statutory rule requiring reading on three different days be suspended. Council Member Clevenger seconded the motion to suspend the rule.

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

Yea: 3; Nay: 0; Absent: 1. 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 Relating To Criminal Trespass; To Harmonize With State Law; To Repeal Conflicting Ordinances And Sections; And To Provide An Effective Date thereafter Council Member Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Clevenger.

The mayor then stated the question "Shall Ordinance No. 675 be passed and adopted?"

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

Yea: 3; Nay: 0; Absent: 1. 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; Kevin Kraenow: Yea; Bob Krier: Absent

Yea: 3; Nay: 0; Absent: 1. Motion carried.

The items approved in the Consent Agenda were as follows:

Minutes of the October 16, 2023 Regular Council Meeting

Claims for the Month of November

Buffalo County Sheriff Department Report

Treasurers Report

Planning Commission Report

Building Permit 2023-24 Solomon Granados—618 7<sup>th</sup> Street—Residential addition

Building Permit 2023-25 Joshua Hofer—804 Turkey Drive--Fence

Sign Permit 2023-05 Kwik Stop—904 Hwy 30—Pole sign/canopy/wall signs

Sign Permit 2023-06 Green Brick, LLC—1002 Front Street—Fascia sign

Cemetery Board Report

Library Report

Recreation Advisory Board Report

#### Resolutions and Motions:

Resolution No. 2023-19 Signing of the Year-End Certification of City Street Superintendent 2023 to Authorize the Mayor to Sign the Completed Forms

A motion was made by Derrick Clevenger to approve Resolution No. 2023-19 to approve the signing of the Year-End Certification of City Street Superintendent 2023 and to authorize the mayor to sign the completed forms, seconded by Leon Stall.

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

Yea: 3; Nay: 0; Absent: 1. Motion carried.

A motion was made by Leon Stall to approve the Letter Agreement for Professional Services with Olsson for general engineering consulting services for 2024, seconded by Derrick Clevenger.

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

Yea: 3; Nay: 0; Absent: 1. Motion carried.

A motion was made by Derrick Clevenger to approve Jess Hurlbert with Olsson as Street Superintendent for the City of Gibbon, seconded by Leon Stall.

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

Yea: 3; Nay: 0; Absent: 1. Motion carried.

A motion was made by Leon Stall to approve the Temporary Use Animal Permit No. AP-2023-03—Jose Rodriguez—409 3<sup>rd</sup> Street for chickens and quail, seconded by Derrick Clevenger. Leon Stall: Yea; Derrick Clevenger: Yea; Kevin Kraenow: Yea; Bob Krier: Absent Yea: 3; Nay: 0; Absent: 1. Motion carried.

Other Items:

The next regular Council Meeting will be on Monday, December 18, 2023, at 7:00 p.m.

Adjourn:

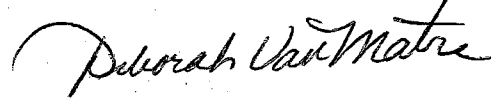
A motion was made by Derrick Clevenger to adjourn the meeting, seconded by Leon Stall. Derrick Clevenger: Yea; Leon Stall: Yea; Kevin Kraenow: Yea; Bob Krier: Absent Yea: 3; Nay: 0; Absent: 1. Motion carried.

Mayor VanMatre adjourned the meeting at 8:00 p.m.

Pamela Rasmussen

Matthew Smallcomb

Deborah VanMatre



City Clerk

City Administrator

Mayor

SEAL

