

MINUTE RECORD
GIBBON CITY COUNCIL
Monday, June 15, 2020

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Monday, June 15, 2020. Notice of the meeting was given in The Shelton Clipper on June 11, 2020 and by posting at Gibbon City Hall, Gibbon Post Office and Adam's Corner Market.

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
Bob Krier: Present
Leon Stall: Present
Derrick Clevenger: Present
Present: 4: Absent: 0

Submittal of Requests for Future Items: None

Reserve Time to Speak on Agenda Items: Ron Robinson requested time to speak on the Workforce Housing Incentive Plan agenda item.

Presentations and Proclamations:

Buffalo County Sheriff Department— Captain Bob Anderson: Captain Anderson reported that last month was a busy month. The staff was following social distancing regulations with the COVID-19 during this time so many of the in-person contacts that would normally be made was done by other means. The department is down a few deputies at this time. They have discussed with the department and will be addressing loud parties, noise complaints, dogs, and compliance issues. They have addressed communication between the different shifts and staff. With the anticipated health measures being lifted there will be more citizens getting back to normal activities. They will be going into the busy time of year with outside activities.

Mayor Report—Deb VanMatre: The Mayor reported that the Mayor, City Administrator and City Clerk met with the City Council on June 1, 2020 and June 10, 2020. The Council shared their individual concerns, perceptions and ideas and the Mayor, Administrator and Clerk provided feedback to the Council. The plan is to schedule an orientation session with some of our partners such as the Buffalo County Sheriff Department and the Buffalo County Development Council followed by a strategic planning session to set goals for the upcoming fiscal year.

The Mayor gave an update on the city operations due to COVID-19. We entered Phase 2 of the DHM's on May 22, 2020 which eased several of the previous restrictions. Effective June 1, 2020 restrictions on our parks and golf course were lifted which included playground equipment and golf leagues, subject to social distancing restrictions. Use of the ballfields was opened to the Gibbon Ball Association and American Legion teams, subject to their organizations' agreement to follow the DHM's as well as provide waivers from all participants. As of June 22, 2020, we will be entering Phase 3, which eases more of the current restrictions. Parades, dances, and beer gardens remain prohibited in this phase, which would affect the upcoming Chamber 4th of July parade plans and the Fire Department's August event. However, the Governor has release guidelines for Phase 4, which would accommodate these events with restrictions. The timeline for implementation of Phase 4 has not been determined. At the May meeting the council approved the recommendation to not open the swimming pool for the 2020 season. Since then other communities have decided to open their pools. We will not be opening the pool based on the following considerations: ability to hire qualified staff, adequately preparing the pool for operation, current use of the facility by the volunteer fire department to shower and sanitize equipment in the event they have a COVID-19 infected transport, and our insurance provider does not recommend opening. With the social distancing in place, the minimum square footage per person requirement and other DHM's we would need to follow such as no pool toys, no slide or diving board use, no benches or chairs on pool deck and the need to have sanitation times during the day.

Mayor VanMatre reported on flood mitigation and drainage. We had a 9-inch rain event with no problems with flooding. We had to block off the bottom of the overpass for a time which is not unusual. We did clear our portion of the Wood River. There have been pictures of some blockage to the west of our shop on the Wood River however it is the property owner's responsibility for clearance as the city does not have jurisdiction on the river.

The Fire Hall/City Hall project is moving forward. After meeting with representatives of the fire department we believe to have a workable plan that would benefit the department, city and community.

City Attorney—Barry Hemmerling: Mr. Hemmerling reported the company which we are working with on updating the municipal code book has responded back acknowledging the issues with the new book. He also reported the abatement on the nuisance properties will be moving forward as the certified letters were signed for by the property owners.

City Administrator—Chris Rector: Chris reported on city operations. There was no report on Keno as they have not sent us the information. It will only be for a partial month since the outlet just recently reopened. Sales tax for May 2020 was \$23,986.95 compared to May 2019 at \$19,004.72. The parks department replaced the roof on the concession stand at Davis Park. They still need to do the soffit and fascia. The contractor is to start painting the building at Rosen Park. The park rest rooms are being cleaned twice daily and the playground equipment is being disinfected daily. The street department is painting curbs and getting prepared for the July 4th festivities. Once done with that they will go out to the cemetery to help install the fence. The cemetery fence footings are in process of being installed. The statue in the Babyland area is being repaired as the outer coating was starting to come off. The golf course is back to normal business operations with limited occupancy. We will be moving forward on the demolition on the abated properties. There are a couple of properties that are getting things cleaned up and stuff hauled off. Clean up day is scheduled for Saturday, June 27th. Contact has been made with Union Pacific Rail Road on the drainage again and he is hoping to have a meeting in July to see if we can get something done before we have any more issues.

Chris informed the council there will be some changes coming from the state in the near future for testing and allowable limits for manganese in the water. We have one well that is high and will most likely have to shut down. We will need to start looking for another well field or treatment system or both. This will be an expensive project no matter what route is chosen.

City Treasurer Report—Susan Tonniges: Susan reported on the monthly financial activities for the city. She went over the May reports. A large expense for the month was the purchase of the backhoe which was divided between the funds that use that piece of equipment. She has begun working on the budget with Chris.

Nebraska Department of Economic Development—Kelly Gewecke: Kelly, who is the program coordinator, recognized the City of Gibbon and presented city officials with a Leadership Certified Community Certificate. Gibbon is one of 28 Nebraska communities to qualify for the LCC program, which was created in 2011 to help municipalities adapt to ongoing changes and opportunities in economic development. Certified communities must demonstrate an understanding for and preparedness in strategic planning and display readiness in technological development to help new and existing businesses grow. Qualifying LCCs earn status in the program for five years, and are required to maintain community websites to market local development, which may include information on available sites and buildings and regional employment opportunities. Mayor VanMatre thanked Kelsey Knehans with Buffalo County Economic Development, and Chris Rector and Pam Rasmussen for their help in achieving this certification.

Buffalo County Economic Development Council—Darren Robinson: Mr. Robinson went over workforce housing and how LB 496 amended the Nebraska Community Development law by allowing tax increment financing (TIF) to be used for the construction of new workforce housing and rehabilitation costs exceeding 50% of assessed valuation on residential workforce housing units. Darren went over the steps to adopt a Workforce Housing Incentive Plan and the benefits of adopting this plan as there is a demonstrated housing need in the City of Gibbon.

Public Hearings:

A motion was made at 7:42 p.m. by Stall to open the hearing on Gibbon Workforce Housing Incentive Plan, seconded by Burmood.

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

Yea: 4; Nay: 0 Motion Carried.

The hearing was held to hear any support, opposition, criticism, suggestions or observations of the public to the passage of the Gibbon Workforce Housing Incentive Plan. The Mayor asked if there were any comments and one citizen asked for clarification.

A motion was made by Stall to close the hearing at 7:46 p.m., seconded by Burmood.

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

Yea: 4; Nay: 0 Motion Carried.

A motion was made at 7:46 p.m. by Stall to open the hearing on the Preliminary Plat & Final Plat Proposed for the Jurgen's River Subdivision, seconded by Burmood.

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

Yea: 4; Nay: 0 Motion Carried.

The hearing was held to hear any support, opposition, criticism, suggestions or observations of the public to the passage of the Preliminary Plate & Final Plat Proposed for the Jurgen's River Subdivision. Chris Rector

stated the Planning Commission made note that prior to any further development the bridge on Murnen Street and River Street would need to be replaced. The Mayor asked if there were any comments and one citizen asked about the sewer system in the subdivision. It was explained they are not on city services as they are out of city limits however are within the city's jurisdiction.

A motion was made by Stall to close the hearing at 7:51 p.m., seconded by Clevenger.

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

Yea: 4; Nay: 0 Motion Carried.

A motion was made at 7:51 p.m. by Clevenger to open the hearing on the Preliminary Plat & Final Plat for Proposed Shiers Estate Third, seconded by Stall.

The hearing was held to hear any support, opposition, criticism, suggestions or observations of the public to the passage of the Preliminary Plat & Final Plat for Proposed Shiers Estate Third. Chris Rector stated even though the streets in the subdivision are county compliant the county would not maintain them. The Mayor asked if there were any comments, there were none.

A motion was made by Clevenger to close the hearing at 7:55 p.m., seconded by Stall.

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

Yea: 4; Nay: 0 Motion Carried.

Consent Agenda:

A motion was made by Leon Stall to approve the Consent Agenda, seconded by Bob Krier.

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

Yea: 4 Nay: 0 Motion carried.

The items approved in the Consent Agenda are as follows:

Minutes of the May 18, 2020 Regular Council Meeting

Minutes of the June 1, 2020 Work Session

Minutes of the June 10, 2020 Work Session

Claims for the Month of June

Buffalo County Sheriff Department Report

Treatment Plant Report & Water Report

Treasurers Report

Gibbon Volunteer Fire Department Report

Planning Commission Report

Building Permit # 2020-18—Dale McCall-1020 1st Street-Fence

Building Permit # 2020-19—Barbara Buescher—300 May Avenue—Accessory Building

Building Permit # 2020-20—Cy Rayburn—500 River Street-Fence

Building Permit # 2020-21—Xavier Portillo—14 West Avenue—Fence

Building Permit #2020-22—Jackson Peterson—910 West Avenue—Fence

Building Permit # 2020-23—Heather Babbitt & Eric Schade—912 West Avenue—Fence

Building Permit # 2020-24—Dan & Melody Rockefeller—508 1st Street-Residential Addition

Building Permit # 2020-25—Brad & Jennifer Samuelson—1016 2nd Street—Residential Addition

Building Permit # 2020-26—Shannon Slagle—208 Center Street—Residential Addition

Building Permit # 2020-27—Jason Tracy—1325 8th Street—Residential Addition

Library Report

Cemetery Report

Resolutions and Motions:

A motion was made by Derrick Clevenger to approve Resolution No. 2020-04 Workforce Housing Incentive Plan for the Municipality of Gibbon, Nebraska Pursuant to the Nebraska Community Development Law, second by Jeff Burmood.

Resolution No. 2020-04 Workforce Housing Incentive Plan for the Municipality of Gibbon, Nebraska Pursuant to the Nebraska Community Development Law

WHEREAS, the 2018 Nebraska Legislature passed Legislative Bill 496 (the "Bill") which amended the Nebraska Community Development Law (the "Act"). The Bill was signed by the Governor in May of 2018. Before the Bill was passed, TIF was generally limited to pay costs of site purchase, utility extension, public infrastructure, sidewalks, planning and certain rehabilitation expenditures. The Bill, among other items, provided that tax increment financing (TIF) may be used for the actual construction of new workforce housing and rehabilitation costs exceeding 50% of assessed valuation on residential workforce housing units.

WHEREAS, prior to utilizing TIF for workforce housing, the City must (a) receive a housing study within the last 24 months and (b) hold a hearing on an incentive plan for the use of TIF for workforce housing.

WHEREAS, "workforce housing" means:(a) Housing that meets the needs of today's working families; (b) Housing that is attractive to new residents considering relocation to a rural community; (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the

Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;(d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and (e) Upper-story housing. §18-2103 (32) R.R.S.

WHEREAS, "rural community" means any municipality in a county with a population of fewer than one hundred thousand inhabitants as determined by the most recent federal decennial census. The Buffalo County 2010 Census indicates a population of 46,102. §18-2103 (30) R.R.S.

WHEREAS, in 2020, the City of Gibbon (the "City") received a housing study entitled "Gibbon Area 2020 Housing Study by Five Rule Rural Planning" (the "Study"). The Study determined that: Incomes in the 68840 area are keeping pace with home values; however, both increased by more than 10% in a 6-year period. Employers will eventually struggle to keep up with steep climbing labor costs. These climbs suggest a lack in the supply of labor as well as a lack in the supply of homes for that labor. Maintaining the labor cost will require the recruitment of more labor to the area which will in turn require an increase in homes.

Separately, in the 2016 Comprehensive plan participants indicated that housing was greatly needed for middle income families. The 2016 comprehensive plan identified: Action strategy 1.1.2 promote infill residential development; Action strategy 1.1.3 promote future multifamily residential development; Action 2.2.2 promote two-story commercial buildings in the downtown targeting upper story housing; and Action strategy 1.1.1 develop up to 74 new housing units in Gibbon during the next 10 years.

Furthermore, in 2019, city officials and community members participated in a strategic planning session. A lack of buildable lots that would support residential expansion was identified as an obstacle for growth for the city. In the 2019 Strategic Plan – housing lot development was one of four key projects identified for fiscal years 2021-2024.

In summary, future residential development in and around the City of Gibbon should be of a high priority to the community.

WHEREAS, the law requires that a workforce housing incentive plan be necessary to prevent the spread of blight and substandard conditions within the municipality, promote additional safe and suitable housing for individuals and families employed in the municipality, and will not result in the unjust enrichment of any individual or company.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Gibbon, Nebraska, that:

1. It has received a housing study which is current within twenty-four months of the date of this Resolution;
2. It has prepared an incentive plan for construction of housing in the municipality of Gibbon, Nebraska, targeted to house existing or new workers "(the Workforce Housing Incentive Plan");
3. This Workforce Housing Incentive Plan shall be effective for the City of Gibbon, Nebraska, until modified pursuant to the Act.
4. This Workforce Housing Incentive Plan is necessary to prevent the spread of blight and substandard conditions within the municipality, promote additional safe and suitable housing for individuals and families employed in the municipality, and will not result in the unjust enrichment of any individual or company.
5. TIF for workforce housing for each project is to be implemented pursuant to a redevelopment plan recommended by the Gibbon Community Development Authority (CDA), and approved after hearing by the Gibbon City Council pursuant to the Act.
 - The City of Gibbon, Nebraska General and Redevelopment Plan Area #1 dated January, 2016 identified: Promote the development of new commercial and industrial entities along the Highway 30 Corridor, combined with a local initiative to promote housing development as identified in the Future Land Use Map.
 - The City of Gibbon, Nebraska Redevelopment Plan Area #2 dated October 19, 2018 identified: For the purpose of this report, primary redevelopment projects include the development of single family residential, multifamily residential and elderly living units. The specific Redevelopment Plan for Redevelopment Study Area #2 should be amended on an as-needed basis to ensure and promote the development of this area in a comprehensive way.
6. This Workforce Housing Incentive Plan is intended to incent development of workforce housing that supports current and prospective employees of local and area businesses and public service corporations. IT IS NOT INTENDED AND WILL NOT BE USED TO CONSTRUCT HIGHER END HOMES OR CUSTOM-BUILT HOMES.
7. All redevelopment contracts between the CDA and a redeveloper providing TIF benefits for workforce housing will be negotiated on a case by case basis with TIF incentives to be determined by the CDA, and approved by the City Council, in amounts required to accomplish the goal of incenting the development of safe and decent workforce housing in the City of Gibbon. The CDA shall document and shall only agree to provide TIF benefits

to a redeveloper seeking TIF for workforce housing after a determination is made by the CDA that the project is consistent with the requirements of the Community Development Law, as amended from time to time, the applicable redevelopment plan and this Workforce Housing Incentive Plan, as well after a determination is made that the project will not result in the unjust enrichment of any individual or company. In each redevelopment contract for workforce housing, the CDA shall set standards appropriate for each workforce housing development project related to residence or apartment size, construction standards, costs and rental rates.

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

A motion was made by Jeff Burmood to approve Resolution No. 2020-05 Preliminary Plat for the Jurgen's River Subdivision, seconded by Leon Stall.

RESOLUTION OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA to approve the preliminary plat for the Jurgen's River Subdivision.

WHEREAS, the owner of:

A part of the North Half of the Northeast Quarter (N ½ NE ¼) and part of Tax Lot Twenty-two (22) In Section Thirteen (13), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska

Has submitted a preliminary plat for the creation of Jurgen's River Subdivision and the Planning Commission has recommended said preliminary plat be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GIBBON, NEBRASKA, that the preliminary plat for Jurgen's River Subdivision be approved and that the owner proceed with the preparation of the final plat.

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

A motion was made by Derrick Clevenger to approve Resolution No. 2020-06 Preliminary Plat for Shiers Estates Third, seconded by Leon Stall.

RESOLUTION OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA to approve the preliminary plat for the Shiers Estates Third.

WHEREAS, the owner of:

A part of the North ½ of the Northwest ¼ of Section 23, Township 9 North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska

Has submitted a preliminary plat for the creation of Shiers Estates Third and the Planning Commission has recommended said preliminary plat be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GIBBON, NEBRASKA, that the preliminary plat for Shiers Estates Third be approved and that the owner proceed with the preparation of the final plat.

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

A motion was made by Jeff Burmood to approve Resolution No. 2020-07 Resolution Temporarily Closing Public Right-of-Way for Gibbon Chamber 4th of July Parade, seconded by Leon Stall.

RESOLUTION TEMPORARILY CLOSING PUBLIC RIGHT-OF-WAY

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GIBBON, NEBRASKA that the following streets, which constitute the parade route for the Fourth of July Parade, will be closed to vehicular traffic from 8:00 a.m. to 12:00 p.m. on July 4, 2020 as follows:

On 4th Street from Rosen Park east to Lawn Avenue, thence north on Lawn Avenue to 2nd Street, thence east on 2nd Street to West Avenue, thence north on West Avenue to Front Street, thence East on Front Street to LaBarre Street, thence south on LaBarre Street to 7th Street, thence west on 7th Street to Pine Avenue.

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

A motion was made by Derrick Clevenger to approve the recommendation of the Community Development Agency (CDA) for the allocation and drafting of the Redevelopment Contract subject to final approval with B & C Estates for public infrastructure, seconded by Leon Stall.

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

Yea: 4; Nay 0 Motion carried.

Ordinances:

Ordinance No. 616—Final Plat of Jurgen's River Subdivision

AN ORDINANCE OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, APPROVING THE FINAL PLAT OF JURGEN'S RIVER SUBDIVISION.

Council Member Leon Stall introduced Ordinance No. 616 entitled: AN ORDINANCE OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, APPROVING THE FINAL PLAT OF JURGEN'S RIVER SUBDIVISION 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; Jeff Burmood: Yea; Bob Krier: Yea

Yea: 4; Nay: 0 Motion carried.

Said Ordinance No. 616 was then read by title 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 616 be passed and adopted?"

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

Yea: 4; Nay: 0 Motion carried.

The passage and adoption of said Ordinance having been concurred 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. 617—Final Plat of Shiers Estate Third

AN ORDINANCE OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, APPROVING THE FINAL PLAT OF SHIERS ESTATE THIRD.

Council Member Jeff Burmood introduced Ordinance No. 617 entitled: AN ORDINANCE OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, APPROVING THE FINAL PLAT OF SHIERS ESTATE THIRD 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.

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

Yea: 4; Nay: 0 Motion carried.

Said Ordinance No. 617 was then read by title and thereafter Council Member Leon Stall 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. 617 be passed and adopted?"

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

Yea: 4; Nay: 0 Motion carried.

Requests and Referrals: None

Other Items:

The next regular Council Meeting will be on Monday, July 20, 2020 at 7:00 p.m.

A motion was made by Leon Stall to go into Executive Session for the purpose of discussion of land acquisition. The purpose of moving into Executive Session was for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with state law. It was announced that no action would be taken upon return to open session.

Derrick Clevenger seconded the motion.

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

Yea: 4; Nay: 0 Motion carried.

The council moved into Executive Session at 8:15 p.m.

A motion was made by Bob Krier to return from Executive Session, seconded by Leon Stall.

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

Yea: 4; Nay: 0 Motion carried.

The council returned from Executive Session at 8:37 p.m.

Adjourn:

A motion was made by Derrick Clevenger to adjourn the meeting, seconded by Jeff Burmood.

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

Mayor VanMatre adjourned the meeting at 8:40 p.m.

Pamela Rasmussen



City Clerk

Chris Rector



City Administrator

Deborah VanMatre



Mayor

SEAL

