

MINUTE RECORD
GIBBON CITY COUNCIL
Monday, June 21, 2021

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Monday, June 21, 2021. Notice of the meeting was given in The Shelton Clipper on June 17, 2021 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
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 on agenda items 4.2.3 Second Amendment Sanctuary City and 5.3 Ordinance No. 629.

Presentations and Proclamations:

Buffalo County Sheriff Department— The Sheriff Department had another commitment and was not present.

Mayor Report—Deb VanMatre: Mayor VanMatre reported that there are a number of Ordinances to be acted on tonight which update the Municipal Code due to legislative changes. At the special meeting held on Thursday, presentations were made by three design/build companies. Following the presentations, the council ranked the companies as follows: 1) BD Construction/Wilkins ADP; 2) Chief Construction/Olsson; 3) Hampton Construction/Carlson West Povondra Architects. Following approval, negotiations will begin with BD Construction/Wilkins ADP for the Fire Hall/City Hall/Community Room project. In addition, we are requesting authorization from the council to offer the Jarmin house for sale to be moved off the property. At the request of a councilman, a resolution in support of the Second Amendment is on the agenda for consideration. Street and right-of-way closures have been requested for the Independence Day parade and downtown activities. Citizens will be reminded of the fireworks regulations via Facebook and the City's website.

City Attorney —Barry Hemmerling: Mr. Hemmerling explained the many Ordinances on the agenda and that they must be acted on separately. They are necessary due to recently passed legislation to update our Municipal Code Book.

City Administrator—Larry Homan: Homan reported on the keno receipts for May which were \$4,784.38, down from April by \$1,983.59. The sales tax numbers for June 2021 were \$33,370.08, which were up from May 2021 by \$8,358.73. Both continue on an upward trend. There were ten building permits being submitted for June. Homan reported about writing and reviewing the paperwork for submittal to the UPRR claims for road and curb damage. Also looking into developing possibility to conduct a joint service project for the City. Homan reported on the Fire/City/Community Room project and went over the three presentations received and there are multiple items on the agenda. The Front Street lift station parts have been ordered and should arrive within two weeks. The City was awarded a \$500.00 LARM Safety Grant and purchased new first aid kits and fire extinguishers. There are a few other grants he is looking into with the UPRR Community Improvement and Kearney Area Community Foundation along with the NE Department of Environment and Energy. Site preparation is underway for the BC Estates housing development ten building permits have been issued and some basements have been dug. Shiers Subdivision has lots available. Greenbrick, LLC purchased the property at 210 Murnen and are expected to have the property cleaned up by

July 1, 2021. Homan went over nuisance properties with lawn maintenance, lawn debris, health and welfare and sidewalk issues. Homan went over various departments in the city. The golf course has been well utilized by patrons and currently has 96 members. The swimming pool is open and we have 59 family passes, 12 individual passes and one daycare pass. They are also selling snack items. The cemetery will have their new signs up before the next council meeting. The flags that were placed on the overpass were taken down due to the State Department of Roads not allowing flags/banners on the overpass. Homan is reviewing possible alternate locations for the flags near the overpass. The air conditioning units at the dentist office and golf course will need replaced and the front door at city hall will need fixed.

City Treasurer—Susan Tonniges: Susan reported on the financials and went over the fund report. The reports show balances as of the end of May. We are 67% through the year. There was nothing significant to report. Susan also pointed out the sales tax receipts were up and that reflects the first full month with the new one-half percent increase.

Ordinances:

Ordinance No. 627 Proposed Budget Statements; To Revise Hearing Procedures.

Council Member Leon Stall introduced Ordinance No. 627 entitled:

AN ORDINANCE RELATING TO proposed budget statements; to revise hearing procedures; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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.

Said Ordinance No. 627 was then read by title: AN ORDINANCE RELATING TO proposed budget statements; to revise hearing procedures; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and thereafter Council Member Leon Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Jeff Burmood. The Mayor then stated the question "Shall Ordinance No. 627 be passed and adopted?"

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

Yea: 4; Nay: 0 Motion carried.

Ordinance No. 628 Ordinance Relating to the Discontinuance of Utility Service of the City.

Council Member Leon Stall introduced Ordinance No. 628 entitled:

AN ORDINANCE RELATING TO the discontinuance of utility service of the city; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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.

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

Yea: 4; Nay: 0 Motion carried.

Said Ordinance No. 628 was then read by title: AN ORDINANCE RELATING TO the discontinuance of utility service of the city; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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. 628 be passed and adopted?"

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

Yea: 4; Nay: 0 Motion carried.

Ordinance No. 629 Ordinance Relating to Publicized Notice of Meeting of a Public Body.

Council Member Leon Stall introduced Ordinance No. 629 entitled:

AN ORDINANCE RELATING TO publicized notice of meeting of a public body; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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.

Said Ordinance No. 629 was then read by title: AN ORDINANCE RELATING TO publicized notice of meeting of a public body; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and thereafter Council Member Derrick Clevenger 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. 629 be passed and adopted?"

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

Ordinance No. 630 Ordinance Relating to Establishing a Quorum at City Council Meetings.
Council Member Jeff Burmood introduced Ordinance No. 630 entitled:
AN ORDINANCE RELATING TO establishing a quorum at City council meetings; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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. 630 was then read by title: AN ORDINANCE RELATING TO establishing a quorum at City council meetings; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and thereafter Council Member Leon Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Jeff Burmood. The Mayor then stated the question "Shall Ordinance No. 630 be passed and adopted?"

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

Ordinance No. 631 Ordinance Relating to Special Elections.
Council Member Leon Stall introduced Ordinance No. 631 entitled:
AN ORDINANCE RELATING TO special elections; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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.

Said Ordinance No. 631 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 Leon Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Derrick Clevenger. The Mayor then stated the question "Shall Ordinance No. 631 be passed and adopted?"
Leon Stall: Yea; Derrick Clevenger: Yea; Bob Krier: Yea; Jeff Burmood: Yea
Yea: 4; Nay: 0 Motion carried.

Ordinance No. 632 Ordinance Relating to Recall Procedures for City Elections.
Council Member Leon Stall introduced Ordinance No. 632 entitled:
AN ORDINANCE RELATING TO recall procedures for city elections; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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.
Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0 Motion carried.

Said Ordinance No. 632 was then read by title: AN ORDINANCE RELATING TO recall procedures for city elections; to harmonize with state law; to repeal conflicting ordinances and sections;

and to provide an effective date and thereafter Council Member Leon Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Jeff Burmood. The Mayor then stated the question "Shall Ordinance No. 632 be passed and adopted?"
Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0 Motion carried.

Ordinance No. 633 Ordinance Relating to the City Treasurer.
Council Member Leon Stall introduced Ordinance No. 633 entitled:
AN ORDINANCE RELATING TO the City Treasurer; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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. 633 was then read by title: AN ORDINANCE RELATING TO the City Treasurer; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and thereafter Council Member Leon Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Derrick Clevenger. The Mayor then stated the question "Shall Ordinance No. 633 be passed and adopted?"
Leon Stall: Yea; Derrick Clevenger: Yea; Jeff Burmood: Yea; Bob Krier: Yea
Yea: 4; Nay: 0 Motion carried.

Ordinance No. 634 Ordinance Relating to the City Clerk.
Council Member Leon Stall introduced Ordinance No. 634 entitled:
AN ORDINANCE RELATING TO the City Clerk; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date 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.
Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0 Motion carried.

Said Ordinance No. 634 was then read by title: AN ORDINANCE RELATING TO the City Clerk; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and thereafter Council Member Leon Stall moved for final passage of the Ordinance, which motion was seconded by Council Member Jeff Burmood. The Mayor then stated the question "Shall Ordinance No. 634 be passed and adopted?"
Leon Stall: Yea; Jeff Burmood: Yea; Bob Krier: Yea; Derrick Clevenger: Yea
Yea: 4; Nay: 0 Motion carried.

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
Yea: 4; Nay: 0 Motion carried.

The items approved in the Consent Agenda are as follows:
Minutes of the May 17, 2021 Council Meeting
Minutes of the June 17, 2021 Special Council Meeting
Claims for the month of June
Buffalo County Sheriff Department Report
Waste Water Treatment Plant Report
Treasurers Report
Gibbon Volunteer Fire Department Report
Planning Commission Report
Building Permit 2021-25—Austin & Michelle Hellman—615 3rd Street—Fence
Building Permit 2021-26—Alan Lessig—201 Williams Street—Residential Addition
Building Permit 2021-27—Kathy Frederick—217 Scout Street—Fence

Building Permit 2021-28—Willis Construction—BC Estate—Lot 6—Single Family Home
Building Permit 2021-29—Willis Construction—BC Estate—Lot 7—Single Family Home
Building Permit 2021-30—Andrew Yockey—1006 10th Street—Accessory Building
Building Permit 2021-31—Armondo Hernandez-Perez—312 Center Street—Basement Under Existing Home
Building Permit 2021-32—Steve and Pam Rasmussen—6705 Pawnee Road—Pool and Deck
Building Permit 2021-33—Jai Andrist—216 West Avenue—Fence
Building Permit 2021-34—Little Buffalo adventure Center—812 Court Street--Fence
Library Report
Heritage Center Report
Cemetery Report

Resolutions and Motions:

Resolution No. 2021-06 A Resolution Directing the Sale of a House

RESOLUTION NO. 2021-06 A RESOLUTION OF THE CITY OF GIBBON, BUFFALO COUNTY, NEBRASKA, DIRECTING THE SALE OF THE HOUSE LOCATED ON THE REAL ESTATE HEREINAFTER DESCRIBED PURSUANT TO NEB.REV.STAT. §17-503.01; TO PROVIDE FOR THE POSTING OF NOTICE OF SALE; TO PROVIDE THE TERMS AND CONDITIONS OF SAID 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 property, to-wit:

The house located upon Lot 15, Block 2, Original Town of Gibbon, Buffalo County, Nebraska (702 1st Avenue, Gibbon, Nebraska).

Section 2. Said property shall be sold at public auction to take place in the Council Chambers on or before July 30, 2021 at 11:59 p.m. The Mayor and Council may reject any and all bids at their discretion. The sale shall be "as is" and the City shall reserve the right to reject any bids. The house shall be removed no later than October 1, 2021.

Section 3. It is hereby determined that the fair market value of said property is less than \$5,000.

Section 4. Notice of such sale and the terms thereof shall be posted in three prominent places within the City for a period of not less than seven (7) days prior to the sale of the property. The Clerk is hereby directed and instructed to prepare and post such notice. The City Clerk may also publish notice at her sole discretion.

Section 5. Following the passage of this Resolution and posting of notice, said property shall be sold as set forth hereinabove. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and the terms of the sale.

A motion was made by Derrick Clevenger to approve Resolution No. 2021-06 with the sale to take place by July 30th and removal by October 1, 2021, seconded by Jeff Burmood.

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

Resolution No. 2021-07 A Resolution Regarding Second Amendment Sanctuary City

RESOLUTION 2021-07 WHEREAS, the Second Amendment to the United States Constitution adopted in 1791 as a part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms, and that right shall not be infringed; and,

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008), affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, Article I, Section 1-1 of the Nebraska Constitution provides that the right to keep and bear arms, specifically for "security or defense of self, family, home and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes" is a right that shall not be denied or infringed by the state or any subdivision thereof; and

WHEREAS, the members of the City of Gibbon City Council took an oath to support and defend the United States and Nebraska Constitutions; and
WHEREAS, it is the desire of the City of Gibbon City Council to declare its support of the Second Amendment to the United States Constitution and Article I, Section 1-1 of the Nebraska Constitution.

NOW, THEREFORE, BE IT RESOLVED, that the City of Gibbon City Council hereby declare that we support the rights and liberties of all City of Gibbon citizens guaranteed by the United States and Nebraska Constitutions.

A motion was made by Derrick Clevenger to approve Resolution No. 2021-07, seconded by Jeff Burmood.

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

Resolution No. 2021-08 A Resolution Temporarily Closing Public Street
RESOLUTION NO. 2021-08 RESOLUTION TEMPORARILY CLOSING PUBLIC STREET
BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GIBBON, NEBRASKA

that 1st Street from LaBarre to Niles and the alley between 1st Street and 2nd Street from LaBarre to Gilmore be closed to vehicular traffic on July 3, 2021 from 8:00 a.m. to July 3, 2021 at 5:00 p.m.

A motion was made by Leon Stall to approve Resolution No. 20201-08, seconded by Jeff Burmood.

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

Resolution No. 2021-09 A Resolution temporarily closing Public Right-Of-Way
RESOLUTION NO. 2021-09 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 3, 2021 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.

A motion was made by Bob Krier to approve Resolution No. 2021-09, seconded by Derrick Clevenger.

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

A motion was made by Leon Stall to approve the application for Union Pacific Railroad Foundation Grant, 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 Leon Stall to approve Bill Kroll's request for the temporary closing of Eighth Street to permit irrigation of crops on Sunday and/or Thursday with proper signage and barricades on Eighth Street and Gibbon Road from 7:00 p.m. to 7:00 a.m. Beginning June 22, 2021 through October 31, 2021, seconded by Bob Krier.

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

A motion was made by Derrick Clevenger to approve the ranking of the Design/build teams 1) BD Construction/Wilkins ADP; 2) Chief Construction/Olsson; 3) Hampton Construction/Carlson West Povondra Architects and to approve entering into negotiations with BD Construction/Wilkins ADP, seconded by Jeff Burmood.

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

Other Items:

The next regular council meeting will be on Monday, July 19, 2021 at 7:00 p.m.

Adjourn:

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

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

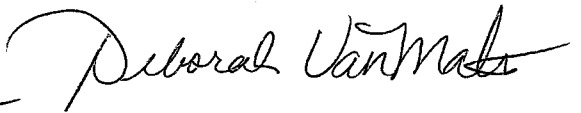
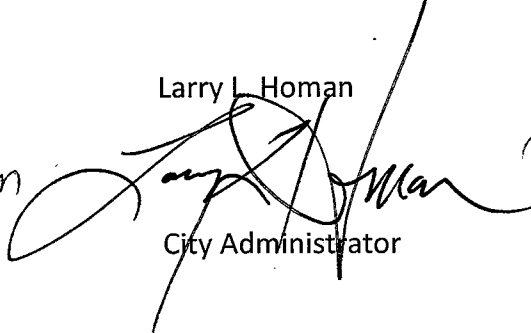
Yea: 4; Nay: 0 Motion carried.

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

Pamela Rasmussen

Larry J. Homan

Deborah VanMatre



City Clerk

City Administrator

Mayor

SEAL

