

MINUTE RECORD
GIBBON CITY COUNCIL
Monday, August 17, 2020

The Gibbon City Council, Buffalo County, Nebraska met in open public session at 7:00 p.m. at City Hall on Monday, August 17, 2020. Notice of the meeting was given in The Shelton Clipper on August 13, 2020 and by posting at Gibbon City Hall, Gibbon Post Office and Gibbon Exchange Bank.

Mayor Deb VanMatre called the meeting to order at 7:03 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 agenda items.

Presentations and Proclamations:

Buffalo County Sheriff Department— Captain Bob Anderson: Captain Anderson reported that July was a busy month, which is nothing out of the ordinary for summer. The department has increased the amount of use of the speed trailer placing it around town. Todd Ochsner, CSO, is not back from recovering from an accident. The Sheriff is having a person transfer from the jail to help with CSO duties. This will begin on August 24th and it will take a couple weeks to get trained on the process. New decals on the department vehicles are being placed. The State Patrol have noticed an increase in speed related issues on I-80 which the Buffalo County Sheriff Department has assisted. School has started and the department will be working closely with them with their presence at the school and events.

Mayor Report—Deb VanMatre: The Mayor notified those present there are a couple of city boards that need filled. The Planning Commission Board has an opening, which meets monthly to review zoning/building permits. The Heritage Center Board has more of a hands-on role with the Heritage Center. If anyone is wanting more information on either board they should contact city hall or the Mayor.

Mayor VanMatre reported there will be an NRD/NRCS public comment meeting on the Wood River study tomorrow, Tuesday, August 18th. She and Chris Rector will be participating with the Agency Scoping meeting.

Mayor VanMatre explained the steps the council and the Gibbon Volunteer Fire Department have been working together on to come up with a plan to renovate and add on to the fire hall. The project would consist of removal of the west end of the current building and building a new portion which would have room for city hall and a community room. The remaining building would be squared off adding a couple more drive through bays for the fire department. On the east end of the building another addition would be built for the fire and rescue squads meeting room, office, showers, and training area. This project will take care of much needed updates as the current fire hall and city hall are out of compliance with ADA accommodations for rest rooms and front entries. To move forward with this project the council will vote on three resolutions to have items placed on the November ballot. Registered voters of Gibbon will have three items to vote on. The first is to vote on an increase of ½% local sales and use tax rate. The second is to vote on an additional ½% increase of local sales and use tax rate. This would bring the local sales and use tax rate to 2%. The final item to approve the project, by proposing to bond not to exceed two million five hundred thousand dollars (\$2,500,000) for the purpose of renovating and constructing a fire station, community room and city hall.

City Attorney –Barry Hemmerling: Mr. Hemmerling reported on the purchase agreement for the Jarmin property, and that there will be a public hearing on the proposed purchase at the September meeting.

Mr. Hemmerling received an updated copy of the code book and will be reviewing it to make certain the changes were made prior to finalizing.

City Administrator—Chris Rector: Chris reported on city operations. Keno numbers were up for July with city revenue of \$2,356.99 for a total after paying the state 2% for the year is \$11,286.70. Sales tax for July 2020 came in at \$19,834.11 compared to July 2019 at \$20,985.57. The parks department will lose all of their summer help at the end of this week. The Cemetery Board is actively taking donations to help with the costs for a new directory. The golf course hosted the annual Coors Light tournament last weekend. This is the biggest money maker of the course for the year. They are still seeing play continue at a higher level than last year and receipts have been good. Mark Willis submitted his preliminary plat for the new sub-division on the nursing home property. The final plat hearing will be next month and then he plans to start construction shortly after.

Mr. Rector reported he and Susan Tonniges have the budget complete and ready for the council's review. The valuation went up 3%. The City will be able to add the capital back into the budget that was not spent this year in addition to the amounts that were spent.

Mr. Rector reported that Mr. Sommerfeld's attorney sent a Cease and Desist letter to the city's attorney regarding the demolition of his property. Mr. Hemmerling asked that pictures of the property to be taken. He will also take photos of other properties in town that need to be addressed. The City will continue to move forward on this process.

Mr. Rector discussed the three resolution for the ballot language for the fire hall, city hall and community room project. Two are for the increase in local sales and use tax and the third is whether or not to construct the building. Next month we will have the purchase of the Jarmin house on the agenda. There will be a hearing prior to the council's action on the purchase of the property.

City Treasurer Report—Susan Tonniges: Susan reported on the monthly financial activities for the city. The city is 84% of the way through the fiscal year. Sales tax is down a bit but has stayed steady during the COVID-19 period. Vehicle sales have been down but local sales are steady. The budget is ready for Council's review. The city's finances are good.

Consent Agenda:

A motion was made by Leon Stall to approve the Consent Agenda, seconded by Jeff Burmood.

Leon Stall: Yea; Jeff Burmood: 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 July 20, 2020 Regular Council Meeting

Minutes of the July 28, 2020 Planning Session

Minutes of the July 30, 2020 Planning Session

Claims for the Month of August

Buffalo County Sheriff Department Report

Treatment Plant Report & Water Report

Treasurers Report

Planning Commission Report

Building Permit # 2020-36—Becky Hunnel—802 7th Street-Deck

Building Permit # 2020-37—Ron Robinson—800 Hershey Street—Repair Deck/Stairs

Building Permit # 2020-38—Dustin Burmood—1011 2nd Street-Accessory Building

Building Permit # 2020-39—Josh & Steph Leonard—604 Drew Lane—Deck

Building Permit # 2020-40—Ellen Geist—301 Lawn Avenue—Accessory Building

Building Permit # 2020-41—Hermis Castillo & Maria Alonzo—116 1st Street—Residential Addition

Proposed BC Estates Subdivision Plat

Library Report

Heritage Center Report

Cemetery Board Report

Reappointment—Housing Agency Board—Steve Codner

Reappointment—Library Board—Maria Montanez

Resolutions and Motions:

A motion was made by Jeff Burmood to approve the Interlocal Cooperation Act Agreement creating the Gibbon Area Fire Protection Agency, seconded by Leon Stall.

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

A motion was made by Derrick Clevenger to approve the amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Action 1,2 and 3 on the attached "Regular Member Ballot" and authorize the Mayor to sign the "Regular Member Ballot" and return both pages of the "Regular Member Ballot" to the League no later than 5:00 p.m. CDT, October 1, 2020, 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 Leon Stall to approve the Resolution No. 2020-10—Preliminary Plat for BC Estates, seconded by Jeff Burmood.

RESOLUTION NO. 2020-10

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

WHEREAS, the owner of: The West 270.0 feet of the following described tract of land: A tract of land being part of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section Twenty-four (24), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at a point 33 feet South and 33 feet West of the northeast corner of the Northwest 1/4 of said Section 24; thence West parallel to the north line of the Northwest 1/4 of said section a distance of 466.69 feet; thence South parallel to the east line of said Northwest 1/4 a distance of 466.69 feet; thence East parallel to the aforesaid north line a distance of 466.69 feet to a point 33 feet west of the east line of said Northwest 1/4; thence North parallel to the aforesaid east line a distance of 466.69 feet to the place of beginning.

Has submitted a preliminary plat for the creation of BC Estates 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 BC Estates Subdivision be approved and that the owner proceed with the preparation of the final plat.

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 Resolution No. 2020-11, seconded by Derrick Clevenger.

RESOLUTION NO. 2020-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GIBBON, NEBRASKA, PURSUANT TO THE NEBRASKA LOCAL OPTION REVENUE ACT, PROPOSING AND SUBMITTING TO VOTERS AT THE 2020 GENERAL ELECTION AN INCREASE OF THE LOCAL SALES AND USE TAX RATE OF ONE-HALF OF ONE PERCENT ($\frac{1}{2}\%$) FROM ONE PERCENT (1%) TO ONE AND ONE-HALF PERCENT ($1\frac{1}{2}\%$).

WHEREAS, the current local sales and use tax rate of the City of Gibbon, Nebraska (the "City") is one percent (1%) pursuant to Neb. Rev. Stat. §77-27,142; and

WHEREAS, pursuant to Neb. Rev. Stat. §77-27,142, the City shall submit to the voters a proposal to increase the City sales and use tax at a primary or general or special election held within the City; and

WHEREAS, the City desires to propose to qualified electors of the City at the general election to increase the City's sales and use tax rate by an additional one-half of one percent ($\frac{1}{2}\%$) from one percent (1%) to one and one-half percent ($1\frac{1}{2}\%$); and

WHEREAS, a proposed ballot question for such purpose is submitted with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City that all of the following actions are hereby adopted and approved:

Section 1. The Mayor and City Council hereby propose to increase the City sales and use tax rate by one-half of one percent ($\frac{1}{2}\%$) from one percent (1%) to one and one-half percent ($1\frac{1}{2}\%$).

Section 2. Said proposal to increase the City sales and use tax rate by an additional one-half of one percent ($\frac{1}{2}\%$) from one percent (1%) to one and one-half percent ($1\frac{1}{2}\%$) shall be submitted to a vote of qualified electors of the City at the general election to be held in the City on November 3, 2020.

Section 3. The question, in form and content as presented with this Resolution as Exhibit A-OFFICIAL BALLOT - CITY OF GIBBON - PROPOSAL TO INCREASE LOCAL SALES AND USE TAX RATE and incorporated herein by this reference, is hereby approved and shall appear on the ballot for qualified electors of the City at the November 2020 general election, subject to any modifications the Mayor determines necessary or advisable.

Section 4. The City Clerk is authorized, directed, and ordered to submit said question by attesting to and submitting a certified copy of this Resolution to the Buffalo County Clerk in accordance with applicable law.

Section 5. The Mayor and City Clerk are hereby authorized and directed to take any other actions as necessary or appropriate to carry out the actions approved in this Resolution, including, without limitation, providing any notice required of the governing body or otherwise by applicable law.

EXHIBIT A
OFFICIAL BALLOT
CITY OF GIBBON, NEBRASKA
PROPOSAL TO INCREASE LOCAL SALES AND USE TAX RATE
FROM 1.0% TO 1.5%

Shall the governing body of the incorporated municipality - the City of Gibbon, Nebraska - increase the local sales and use tax rate by an additional one-half of one percent ($\frac{1}{2}\%$) from the current rate of one percent (1%) to a rate of one and one-half percent ($1\frac{1}{2}\%$) and impose a sales and use tax at the increased rate upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax?

Yes

No

A "Yes" Vote: If a majority of the votes cast upon such question shall be in favor of increasing such local sales and use tax rate by an additional one-half of one percent ($\frac{1}{2}\%$) to a rate of one and one-half percent ($1\frac{1}{2}\%$), then the governing body of such incorporated municipality - the City of Gibbon - shall be empowered as provided by Section 77-27,142 of the Nebraska Revised Statutes and shall forthwith proceed to increase the local sales and use tax rate from one percent (1%) to one and one-half percent ($1\frac{1}{2}\%$) and impose a sales and use tax at the increased rate upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, pursuant to the Local Option Revenue Act.

A "No" Vote: If a majority of those voting on the question shall be opposed to such an increase of the local sales and use tax rate by an additional one-half of one percent ($\frac{1}{2}\%$), then the governing body of the incorporated municipality shall not impose such a tax increase and the local sales and use tax rate will remain unchanged at one percent (1%).

Additional Information Regarding Proposed Local Sales and Use Tax Rate Increase:

Revenues from the increased sales and use tax are available to be used for the general purposes of the City, including the funding of community improvements.

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

Yea: 4; Nay: 0. Motion carried.

A motion was made by Jeff Burmood to approve Resolution No. 2020-12, seconded by Leon Stall
RESOLUTION NO. 2020-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GIBBON, NEBRASKA, PURSUANT TO THE NEBRASKA LOCAL OPTION REVENUE ACT, PROPOSING AND SUBMITTING TO VOTERS AT THE 2020 GENERAL ELECTION AN INCREASE OF THE LOCAL SALES AND USE TAX RATE OF AN ADDITIONAL ONE-HALF OF ONE PERCENT FROM ONE AND ONE-HALF PERCENT ($1\frac{1}{2}\%$) TO TWO PERCENT (2%).

WHEREAS, the City of Gibbon, Nebraska, local sales and use tax rate currently is one percent (1%) pursuant to Neb. Rev. Stat. §77-27,142; and

WHEREAS, the Mayor and City Council have approved a resolution asking the voters to approve an increase in the local sales and use tax rate from one percent (1%) to one and one-half percent ($1\frac{1}{2}\%$); and

WHEREAS, pursuant to Neb. Rev. Stat. §77-27,142, upon an affirmative vote of at least seventy percent (70%) of all of the members of the governing body of the City of Gibbon, the City shall submit to voters a proposal to increase the City sales and use tax to a rate greater than one and one-half percent ($1\frac{1}{2}\%$) at a primary or general election held within the City; and

WHEREAS, the City desires to propose to qualified electors of the City at the 2020 general election to increase the City's sales and use tax rate by an additional one-half of one percent (½%) from one and one-half percent (1½%) to two percent (2%); and

WHEREAS, a proposed ballot question for such purpose is submitted with this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Gibbon, Nebraska, that all of the following actions are hereby adopted and approved:

Section 1. The Mayor and City Council hereby propose to increase the City of Gibbon sales and use tax rate by an additional one-half of one percent (½%) from one and one-half percent (1½%) to two percent (2%).

Section 2. Said proposal to increase the City of Gibbon sales and use tax rate by an additional one-half of one percent (½%) from one and one-half percent (1½%) to two percent (2%) shall be submitted to a vote of qualified electors of the City of Gibbon at the general election held in the City on November 3, 2020.

Section 3. The question, in form and content presented with this Resolution as Exhibit A-- OFFICIAL BALLOT - CITY OF GIBBON - PROPOSAL TO INCREASE LOCAL SALES AND USE TAX RATE and incorporated herein by this reference, is hereby approved and shall appear on the ballot for qualified electors of the City of Gibbon at the November 2020 general election, subject to any modifications the Mayor determines necessary or advisable.

Section 4. The City Clerk or her designee is authorized, directed, and ordered to submit said question by attesting to and submitting a certified copy of this Resolution to the Buffalo County Clerk in accordance with applicable law.

Section 5. The Mayor and City Clerk are hereby authorized and directed to take any other actions as necessary or appropriate to carry out the actions approved in this Resolution, including, without limitation, providing any notice required of the governing body or otherwise by applicable law.

EXHIBIT A

OFFICIAL BALLOT

CITY OF GIBBON

PROPOSAL TO INCREASE LOCAL SALES AND USE TAX RATE

BY AN ADDITIONAL ONE-HALF PERCENT TO 2%

Shall the governing body of the incorporated municipality - the City of Gibbon - increase the local sales and use tax rate by an additional one-half of one percent (½%) from one and one-half percent (1½%) to a rate of two percent (2%) and impose a sales and use tax at the increased rate upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax?

Yes

No

A "Yes" Vote: If a majority of the votes cast upon such question shall be in favor of increasing such local sales and use tax rate by an additional one-half of one percent (½%) to a rate of two percent (2%), then the governing body of such incorporated municipality - the City of Gibbon - shall be empowered as provided by Section 77-27,142 of the Nebraska Revised Statutes to increase the local sales and use tax rate from one and one-half percent (1½%) to two percent (2%) and impose a sales and use tax at the increased rate upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, pursuant to the Local Option Revenue Act. The revenue provided from the increased sales tax will be used to fund the cost of such public infrastructure projects as are allowed pursuant to the Local Option Revenue Act, including specifically a new fire station to be constructed pursuant to an interlocal agreement with Gibbon Rural Fire District No. 2. To the extent the additional local sales and use tax collected is used to fund the cost of the such projects in the City, increasing the local sales and use tax rate may reduce the amount necessary to be levied against the taxable value of the property located in the City.

A "No" Vote: If a majority of those voting on the question shall be opposed to such an increase of the local sales and use tax rate by an additional one-half of one percent (½%), then the governing body of the incorporated municipality shall not impose such a tax increase and the local sales and use tax rate will not be increased by an additional one-half of one percent (½%). The cost of the new infrastructure projects in the City would then be funded solely through other sources, including potentially a property tax levy.

Additional Information Regarding Proposed Local Sales and Use Tax Rate Increase:

Relationship to Other Ballot Measure: At this election, the voters of the City are being asked to approve an increase in the local sales and use tax rate from one percent (1%) to one and one-half percent (1½%). If a majority of the voters do NOT approve an increase from one percent (1%) to one and one-half percent (1½%), then the City will not exercise its authority under this ballot measure even if a majority of the votes approve an increase from one and one-half percent (1½%) to two percent (2%).

List of reductions or elimination of other taxes or fees, if any: There is not contemplated at this time to be any elimination of other taxes or fees should a majority of those voting on such question be in favor of increasing the local sales and use tax rate. To the extent the additional local sales and use tax collected is used to fund the cost of public infrastructure projects, increasing the local sales and use tax rate may reduce the amount necessary to be levied against the taxable value of the property located in the City. Construction of the proposed fire station in cooperation with Gibbon Rural Fire District No. 2 may result in savings and efficiencies to the City as compared to constructing and operating a fire station without such cooperation.

Projects to be funded, in whole or in part, from the revenue collected, along with any savings or efficiencies resulting from the projects: Revenues from the increased sales and use tax are to be used for such public infrastructure projects as are allowed pursuant to the Local Option Revenue Act., including, but not limited to, public highways and bridges and municipal roads, streets, bridges, and sidewalks; solid waste management facilities; wastewater, storm water, and water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances; hazardous waste disposal systems; resource recovery systems; airports; port facilities; buildings and capital equipment used in the operation of municipal government; convention and tourism facilities; redevelopment projects as defined in Neb. Rev. Stat. § 18-2103; mass transit and other transportation systems, including parking facilities; and equipment necessary for the provision of municipal services. The City intends to use the increased sales and use tax to construct a new fire station pursuant to an interlocal agreement with Gibbon Rural Fire District No. 2.

Years within which the revenue will be collected: Since the proposed increased sales and use tax is the portion of the overall rate greater than one and one-half percent and is imposed for the purpose of the interlocal agreement between the City of Gibbon and Gibbon Rural Fire District No. 2, which interlocal agreement is related to public infrastructure projects, there is no stated termination date for the increased tax pursuant to Neb. Rev. Stat. § 77-27,142(2)(d).

Interlocal Agreement: The City of Gibbon and Gibbon Rural Fire District No. 2 have entered into an interlocal agreement that created a separate administrative entity for purposes of the agreement, related to construction and operation of a new fire station to be used by the City and by the District. Such interlocal agreement contains provisions relating to the long-term development of unified governance for the fire station project. A portion of the rate greater than one and one-half percent, such portion being at least one-eighth percent (1/8%), is imposed for the purpose of the interlocal agreement.

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. 2020-13, seconded by Jeff Burmood.

RESOLUTION NO. 2020-13

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GIBBON, NEBRASKA, PURSUANT TO SECTION 17-953 OF THE NEBRASKA REVISED STATUTES, PROPOSING AND SUBMITTING TO VOTERS AT THE GENERAL ELECTION A PROPOSITION TO ISSUE BONDED INDEBTEDNESS OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION AND RELATED IMPROVEMENTS IN AND FOR THE CITY.

Following discussion, the council requested the language be revised to accurately state the renovation to fire hall would include the addition of a city hall and community room. A motion was made by Bob Krier to table the Resolution until the August 24, 2020 meeting, seconded by Leon Stall.

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

Requests and Referrals: None

Other Items:

A Council Budget Work Session will be on Monday, August 24, 2020 at 7:00 p.m.

A Special Council Meeting and Budget Hearing will be on Tuesday, September 15, 2020 at 7:00 p.m.

The next regular Council Meeting will be on Monday, September 21, 2020 at 7:00 p.m.

Adjourn:

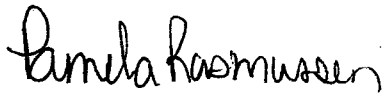
A motion was made by Leon Stall to adjourn the meeting, seconded by Jeff Burmood.

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

Yea: 4; Nay: 0. Motion carried.

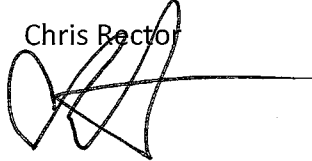
Mayor VanMatre adjourned the meeting at 7:46 p.m.

Pamela Rasmussen



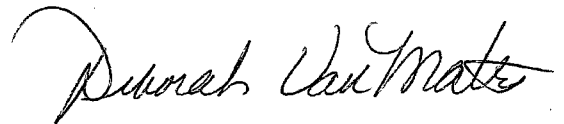
City Clerk

Chris Rector



City Administrator

Deborah VanMatre



Mayor

SEAL