

October 11, 2018

Notice of the meeting was given in advance by publication in the Sheridan County Journal Star, the designated method for giving notice as shown by the affidavit of publication on file in the City Clerk's office. Agendas of the meeting were simultaneously given to the Mayor and all members of the Council. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

A meeting of the City Council of the City of Gordon was called to order at 6:00 p.m., October 11, 2018 in the Council Chambers of the City Auditorium. The Mayor noted the location of the Open Meetings Laws poster in the back of the room.

Present: Grant, Bounous, Paul, and Russell.

Absent: Evans.

Motion by Bounous, seconded by Paul to approve the minutes of the September 13, 2018 meeting. Ayes: Bounous, Paul, Russell, and Grant.

Motion by Grant, seconded by Paul to approve the August 2018 Treasurer's Report. Ayes: Paul, Russell, Grant, and Bounous.

The September 2018 Treasurer's Report was not available from Gardner, Loutzenhiser and Ryan.

Motion by Paul, seconded by Bounous to approve the bills. Ayes: Russell, Grant, Bounous, and Paul.

Abbreviations for the legal: EX, Expense; FE, Fee; GR, Groceries; MI, Mileage; RE, Reimbursement; RPT, Report; SA, Salaries; SE, Services; SU, Supplies.

PAID BILLS

EFTPS	Ally	EX	\$562.39
EFTPS	Ally	EX	\$523.52
EFTPS	Fleet Services	SU	\$1,500.85
EFTPS	FNBO	FE	\$115.80
EFTPS	NE Dept of Revenue	RE	\$4,199.08
RS1247	Foremost Promotions	SU	\$1,497.16
KTJ1001	City of Gordon	RE	\$10,288.17
KTJ1002	KTJ 283, Inc	RE	\$10,288.17
INS1032	Strong Insurance	EX	\$2,016.00
INS1033	Strong Insurance	EX	\$181.00
EFTPS	Baird Holm	FE	\$1,340.00
EFTPS	BOK Financial	FE	\$770.00
EFTPS	BOK Financial	EX	\$165,100.00
47368	Amazon.com	SU	\$179.95
47369	BC/BS	EX	\$12,168.88
47370	Better Homes & Gardens	SU	\$10.00
47371	Consolidated Management	SE	\$51.08
47372	Eating Well	SU	\$8.00
47373	History Nebraska	FE	\$40.00
47374	Horticulture	SU	\$24.95
47375	Ingram	SU	\$452.77
47376	Library Petty Cash	SU	\$52.77

47377	Living	SU	\$19.00
47378	Mother Earth News	SU	\$17.00
47379	NWRPPD	SE	\$4,407.24
47380	Nat Geo Kids	SU	\$20.00
47381	Networkfleet	SE	\$113.70
47382	Nebraskaland	SU	\$18.00
47383	NE Library Commission	FE	\$500.00
47384	Rachael Price	RE	\$114.45
47385	Redbook	SU	\$19.97
47386	Sheridan County Journal	SE	\$30.00
47387	Conde Nast Traveler	SU	\$15.00
47388	Woman's Day	SU	\$9.00
47389	Xerox	SE	\$75.19
47390	Payroll Fund	SA	\$29,138.12
47391	Sharon Maltbie	RE	\$40.00
47392	City of Gordon	RE	\$296.50
47393	CNH Capital	SE	\$2,344.73
47394	Consolidated Management	SE	\$76.19
47395	Croell	SU	\$562.93
47396	Amanda Lefler	RE	\$100.00
47397	Farmer's Coop	SU	\$23.83
47398	Gordon Volunteer Fire Dept	RE	\$5,000.00
47399	Greenamyre Contractor	SE	\$3,740.00
47400	G/R Public Schools	RE	\$3,030.00
47401	Hinn's Auto	SU	\$273.33
47402	Kelly Construction	SU	\$1,432.90
47403	Kustom Rock	SU	\$1,763.25
47404	Madison National Life	EX	\$55.20
47405	Municipal Supply, Inc	SU	\$1,155.26
47406	NW Pipe Fittings	SU	\$4,240.92
47407	Black Hills Energy	SE	\$177.40
47408	Southpaw Spray, LLC	SU	\$4,545.00
47409	Topkote	SE	\$41,345.65
47410	Viaero	SE	\$77.93
47411	USPS	SE	\$171.70
47412	Verizon	SE	\$369.65
47413	Sumeru Pradhan	RE	\$40.00
47414	Rosa Cabrera Gonzalez	RE	\$27.87
47415	Toni McDonough	RE	\$24.63
47416	Larry Vasquez	RE	\$51.00
47417	Payroll Fund	SA	\$33,097.84

Total October Paid Bills **\$349,930.92**

UNPAID BILLS

47418	Chris Anderson	RE	\$50.00
47419	QLT	SE	\$19.55
47420	Airport Authority	RE	\$2,787.73
47421	Airport Bond Savings	RE	\$3,143.79
47422	Dan Bishop	RE	\$50.00
47423	Jeff Brewer	RE	\$50.00

47424	Shelby Berger	RE	\$50.00
47425	Tony Bishop	RE	\$50.00
47426	City of Chadron	EX	\$45.00
47427	Consolidated Mngmt Co	SE	\$177.49
47428	Customized Billing	SE	\$315.00
47429	First National Bank Omaha	SU	\$25.00
47430	First National Bank Omaha	SU	\$1,505.42
47431	Farmer's Coop	SU	\$13.27
47432	Ford Motor Credit	EX	\$374.09
47433	GMHS	SE	\$229.00
47434	GMHS	SE	\$200.00
47435	Great Plains Communications	SE	\$1,676.38
47436	GIS	EX	\$3,600.00
47437	General Fund Money Market	EX	\$5,500.00
47438	Hinn's Auto Supply	SU	\$305.51
47439	Homestead	SU	\$19.99
47440	Colin Hyatt	RE	\$50.00
47441	Clay Heath	RE	\$50.00
47442	Insurance Fund	EX	\$14,859.00
47443	Ideal Linen	SE	\$96.89
47444	CoDee Johns	RE	\$50.00
47445	Kustom Rock	SU	\$250.00
47446	Kone	SE	\$3,687.96
47447	Gardner, Loutzenhiser, & Ryan	SE	\$750.00
47448	Macumber Plumbing	SE	\$780.00
47449	NPPD	SE	\$9,010.49
47450	NE Total Office	SU	\$74.15
47451	NW Pipe Fittings	SU	\$326.94
47452	NW Community Action	EX	\$124.33
47453	Networkfleet	SE	\$227.40
47454	One Call Concepts	SE	\$42.42
47455	Otte Feeds	SU	\$26.00
47456	Petty Cash Fund	SU	\$272.28
47457	Shane Pascale	RE	\$50.00
47458	Print Express	SU	\$152.35
47459	Pollardwater	SE	\$229.13
47460	Ben Plemons	RE	\$50.00
47461	Ben Plemons	RE	\$46.76
47462	Quill	SU	\$45.48
47463	NE Public Health Env Lab	SE	\$380.00
47464	Shopko	SU	\$17.98
47465	Sheridan County Journal Star	SE	\$406.36
47466	Smith King & Simmons	SE	\$544.55
47467	Special Assessment Bond Fund	RE	\$4,560.30
47468	True Value	SU	\$1,015.59
47469	Utilities Section - LNM	SE	\$45.00
47470	Westco	SU	\$1,410.50
47471	Water Reserve Fund	RE	\$1,716.00
47472	Water/Sewer Bond Fund	EX	\$17,200.00
47473	Water/Sewer Bond Fund	EX	\$5,000.00
47474	Kevin Wolkins	RE	\$50.00

47475	Keith Wolkins	RE	\$50.00
47476	Xerox	EX	\$502.46
Total October Unpaid Bills			\$84,337.54
Total October Paid Bills			\$349,930.92
Total October Bills			\$434,268.46

Wellspring Chapel requested a closure of E Fifth Street from N Main Street to N Elm Street on October 31 from 4:00 to 8:00 pm for a Trunk or Treat Event. Leah Olsen was present for Wellspring Chapel and explained the reason to close the street was for the safety of the children attending and set up of “bouncy houses”. Motion by Bounous, seconded by Grant to approve Wellspring Chapel’s request. Ayes: Grant, Bounous, Paul, and Russell.

Motion by Paul, seconded by Bounous to approve Eric Anderson’s request for extended liquor sale hours for the Gordon American Legion on Sunday, November 11 from 10:00 am to 11:00 pm for Veteran’s Day. Ayes: Bounous, Paul, Russell, and Grant.

Chet and Barbara Marks were present to request that the Gordon City Council review the current ordinance regarding Solicitors and Transient Merchants. The current ordinance requires that the Marks obtains a permit from the city at a cost of \$100.00 per month to sell vegetables within the city limits of Gordon. They feel this ordinance is unfair because it allows anyone within the state of Nebraska to sell without a permit, but since they are from South Dakota they need a permit. The Marks are from Batesland, SD, which is less than thirty miles from Gordon. The ordinance will be reviewed at a future council meeting.

Dale Kelly and David Kayton were present to discuss with council the regulations of the Gordon Farmer’s Market. They also stated to the council that they had invited Barbara Marks to join the Farmer’s Market, but she declined due to religious reasons. They feel that allowing her to sell without a permit is unfair to the sellers from Gordon.

The City of Gordon advertised for bids for the city’s general liability and worker’s compensation insurance. The only bid received by the deadline of October 1, was Security 1st Insurance. Becky Haller and Jessica Holston were present to answer any questions regarding the bid from Security 1st Insurance. Ben Criss, Strong Insurance was present. He stated to council that his agency didn’t realize that there was a deadline and requested that the bid be reopened to allow them time to present a bid to council. The city’s current insurance is through Strong Insurance. After some discussion, motion by Paul, seconded by Grant to award the city’s general liability and worker’s compensation insurance to Security 1st Insurance. Ayes: Paul, Russell, Grant, and Bounous.

Motion by Grant, seconded by Bounous to approve with gratitude the Gordon Volunteer Fire Department Roster. Ayes: Russell, Grant, Bounous, and Paul.

Motion by Paul, seconded by Grant to approve Resolution 2018-23. Ayes: Grant, Bounous, Paul, and Russell.

RESOLUTION 2018-23

A RESOLUTION OF THE CITY OF GORDON, NEBRASKA DIRECTING THE SALE OF REAL ESTATE, TO-WIT: A TRACT OF LAND LOCATED IN OUTLOT “F” OF SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 33 NORTH, RANGE 42 WEST OF THE 6TH P.M., SHERIDAN COUNTY, NEBRASKA; AND AMENDING THE LEGAL DESCRIPTION OF THE PROPERTY TO BE SOLD AS DESCRIBED IN RESOLUTION 2018-20.

WHEREAS, on the 6th day of August, 2018, the City of Gordon passed Resolution 2018-20 directing the sale of real estate specifically described as follows:

A tract of land located in Outlot "F" of Southwest Quarter of Section Twenty-five (25), Township Thirty-three (33) North, Range Forty-two (42) West of the 6th P.M., Sheridan County, Nebraska, being more particularly described as follows: Commencing at a point 616.2 feet West of the Northeast corner of said Outlot "F"; thence North 89°59' West on an assumed bearing along the North line of said Outlot "F" a distance of 230.0 feet; thence South 0°01' West a distance of 189.0 feet; thence South 89°59' East a distance of 230.0 feet; thence North 0°01' East a distance of 189.0 feet to the point of beginning, said tract containing 1.0 acres more or less and said tract contains a 40 foot road right of way along the North side.

WHEREAS, the legal description used in Resolution 2018-20, and described above was an incorrect legal description;

WHEREAS, the correct legal description for the real estate owned by the City of Gordon, Nebraska and intended for sale pursuant to Resolution 2018-20, is as follows:

A tract of land located in Outlot "F" of the SW1/4 of Section 25, Township 33 North, Range 42 West of the 6th P.M., Sheridan County Nebraska, more particularly described as follows: Commencing at the Northwest corner of said Outlot "F"; thence S89°59'E along the north line of said Outlot "F", for 1030.46 feet, thence S 0° 01' W, for 40.0 feet to the point of beginning; thence S 0° 01' W for 50.00 feet; thence N 89° 59'W for 50.00 feet; thence N0° 01'E, for 50.00 feet; thence S89° 59' E, for 50.00 feet to the point of beginning. Said tract contains 0.06 acres, more or less.

WHEREAS, the fair market value of the above described real property is significantly less than \$5,000.00;

WHEREAS, the City Council directs the sale of the above described real estate to Stephen Sanders for \$1.00 payable to the City of Gordon, Nebraska. The property shall be sold under the additional terms and conditions that Stephen Sanders shall receive all right, title and interest to the above described real estate, well site and well, in return Stephen Sanders will provide an easement to the City of Gordon, authorizing said city to maintain an emergency siren and electric meter currently installed on the above described real property, and authorizing the City's access over and across the above described real estate to access and maintain said emergency siren and electric meter.;

WHEREAS, following passage of this Resolution directing the sale of the above described real property, notice of this sale shall be posted in three prominent places within the City of Gordon, Nebraska for a period of not less than seven (7) days prior to the sale of the above described property;

NOW, THEREFORE, BE IT RESOLVED THAT THE GORDON CITY COUNCIL hereby directs the sale of the following described real estate to Stephen Sanders for an agreed purchased price of \$1.00 payable to the City of Gordon, Nebraska, under the condition that Stephen Sanders accept all right, title and interest to the below described real estate, well site and well, and upon the further condition that Stephen Sanders shall provide the City of Gordon, Nebraska with an easement allowing the City of Gordon to maintain an emergency siren and electric meter on the below described property, and authorizing the City's access over and across the below described real estate to access and maintain said emergency siren and electrical meter:

A tract of land located in Outlot "F" of the SW1/4 of Section 25, Township 33 North, Range 42 West of the 6th P.M., Sheridan County Nebraska, more particularly described as follows: Commencing at the Northwest corner of said Outlot "F"; thence S89°59'E along the north line of said Outlot "F", for 1030.46 feet, thence S 0° 01' W, for 40.0 feet to the point of beginning; thence S 0° 01' W for 50.00 feet; thence N 89° 59'W for 50.00 feet; thence N0° 01'E, for 50.00 feet; thence S89° 59' E, for 50.00 feet to the point of beginning. Said tract contains 0.06 acres, more or less.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT notice of this Resolution shall be published in three prominent places within the City of Gordon, Nebraska for a period of not less than seven (7) days prior to the sale of the property.

Adopted and passed by the City Council of Gordon, Nebraska this 11th day of October, 2018.

/s/ Nancy I Russell
Mayor

ATTEST:

/s/ Kim Buchan
City Clerk

Motion by Grant, seconded by Paul to approve Ordinance 1180. Ayes: Bounous, Paul, Russell, and Grant.

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1180**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 7-208: AMENDING THE MUNICIPAL CODE OF GORDON, NEBRASKA, PROVIDING FOR THE ALLOWANCE OF CONTAINED FIRE PITS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING DEFINITIONS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GORDON, NEBRASKA:

SECTION 1. That Section 7-208 of the Gordon Municipal Code be amended as follows:

Section 7-208

Section 1: It shall be unlawful for any person to set a fire of any kind, either contained fires, such as garbage and other refuse in barrels, or open burning of any kind, provided however that this section shall not apply to outdoor fireplaces as described in subsection 2 herein.

Section 2: OUTDOOR FIREPLACES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIMINEAS. A commercially designed outdoor patio fireplace, usually made from clay, intended to confine and control outdoor wood fires.

FIRE PITS. Usually constructed of steel, concrete and or stones and constructed above ground with a heavy steel screen cover.

OUTDOOR FIREPLACES. Shall include fire pits, portable fire pits, and chimineas. These devices shall use wood as fuel and are used for contained recreational fire located at a private residence for the purpose of outdoor cooking and personal enjoyment. **OUTDOOR FIREPLACES** do not include barbeque grills that use propane or charcoal as a fuel and used primarily for outdoor cooking. **OUTDOOR FIREPLACES** also do not include burn barrels for garbage or refuse or any open, uncontained or uncontrolled fire.

PORTABLE FIRE PITS. Being commercially designed and intended to confine and control outdoor wood fires.

(B) All outdoor fireplaces shall meet the following requirements:

(1) Outdoor fireplaces shall be constructed of concrete or approved noncombustible materials. The fire fuel area and opening shall be completely enclosed by steel screening or an approved noncombustible screening material with openings in screening not to exceed one-half inch square. These requirements also shall apply to vent stacks, chimneys and openings to fire pits.

(2) The fire pit fuel area shall not exceed three feet in diameter nor two feet in height.

(3) Burn materials shall be untreated wood only. Rubbish, grass, leaves, cardboard, tires, plastics, railroad ties, treated lumber and household garbage shall not be burned.

(4) The amount of material being burned shall be limited to ensure containment of the fire within the device and shall follow the manufacturer's recommendation on fuel amounts.

(5) Devices shall be continuously attended by a responsible person until the fire is completely extinguished and will not rekindle. Outdoor fireplaces shall not be operated when winds exceed ten miles per hour or if embers and smoke might travel to other combustible materials.

(6) Smoke from any outdoor fireplaces shall not create a nuisance for adjacent property owners. The Fire Chief and assistant chiefs will be authorized to require any fire to be extinguished immediately if he/she determines the outdoor fireplace is creating an unsafe condition due to weather, amount of fuel being burned, improper use of outdoor fireplace device, or for any other reason.

(7) An open burn permit is not required for these devices provided that the fire is completely contained within the device and covered by a screen or similar device which meets the requirement identified above at all times.

(8) Outdoor fireplaces shall be placed no closer than 15 feet from a structure or combustible material.

SECTION 2: All ordinances or parts of an ordinance in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be published pursuant to law.

SECTION 4: The provisions of this ordinance are separable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after it's approval, passage, and publication according to law.

/s/ Nancy I Russell
NANCY RUSSELL, Mayor

ATTEST:

/s/ Kim Buchan
Kim Buchan, City Clerk

Motion by Paul, seconded by Bounous to waive 2nd and 3rd readings of Ordinance 1180. Ayes: Paul, Russell, Grant, and Bounous.

Motion by Grant, seconded by Paul to accept the 2017-2018 Perpetual Care Report as presented. Ayes: Russell, Grant, Bounous, and Paul.

Lynn Kreitman has requested that the city pay for additional closing costs, that are outside of the purchase agreement. The land being purchased by the city for the solar project has a lien, and for the Kreitman's lender to release this lien there is a cost of \$250.00 per portion of land. After some discussion, motion by Bounous, seconded by Paul to pay these additional closing costs. Ayes: Grant, Bounous, Paul, and Russell.

Council was presented with City Manager Chad Edwards September manager's report.

Motion by Bounous, seconded by Grant to go into executive session at 7:10 pm for personnel issues. Ayes: Russell, Grant, Bounous, Evans, and Paul.

With no action taken, council reconvened in regular session at 7:45 pm. Motion by Paul, seconded by Grant to accept City Manager Chad Edwards' resignation. With no further business, motion by Bounous, seconded by Grant to adjourn at 7:48 pm. Ayes: Grant, Bounous, Evans, Paul, and Russell.

/s/ Kim Buchan
City Clerk

/s/ Nancy I Russell
Mayor

