

May 9, 2019

Notice of the meeting was given to 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 by Mayor Russell at 6 p.m., May 9, 2019 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: Bounous, Evans, Paul, Russell, and Grant.

Absent: No One.

Motion by Grant, seconded by Evans to approve the minutes of the April 11, 2019 meeting. Ayes: Evans, Paul, Russell, Grant, and Bounous.

Motion by Evans, seconded by Paul, to approve the March 2019 Treasurer's Report. Ayes: Paul, Russell, Grant, Bounous, and Evans.

The April 2019 Treasurer's report was not available from Gardner, Loutzenhiser and Ryan.

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

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	\$1,247.45
EFTPS	FNBO	FE	\$75.86
EFTPS	NE Dept of Revenue	RE	\$3,549.99
INS1049	Security 1st	EX	\$40.00
47990	Payroll Fund	SA	\$26,271.99
48057	Airport Authority	RE	\$2,478.70
48058	Airport Bond Savings	RE	\$2,287.71
48059	Amazon	SU	\$106.81
48060	Biblionix	EX	\$1,100.00
48061	Gale/Cengage	SU	\$98.57
48062	Library Petty Cash	RE	\$68.92
48063	Lookout Books	SU	\$145.75
48064	Madison National Life	EX	\$47.09
48065	NWRPPD	SE	\$3,349.12
48066	Verizon Connect	SE	\$113.70
48067	Special Assessment Bond Fund	RE	\$3,876.55
48068	Xerox	EX	\$87.71

48069	DHHS Licensure Unit	SE	\$80.00
48070	NE Secretary of State	FE	\$30.00
48071	Payroll Fund	SA	\$28,436.92
48072	Gordon Volunteer Fire Dept	RE	\$2,250.00
48073	City of Gordon	RE	\$28.23
48074	Maria Cerven	RE	\$86.19
48075	Gordon Thiessen	RE	\$71.77
48076	NE City Manager Assoc	FE	\$100.00
48077	NE Law Enf Tr Center	SU	\$135.00
48078	NPPD	SE	\$8,516.39
48079	Perpetual Care Fund	RE	\$400.00
48080	BH Energy	SE	\$1,873.04
48081	USPS	SE	\$165.69
48082	Verizon	SE	\$110.10
48083	Petty Cash	RE	\$567.70

Total May Paid Bills **\$88,882.86**

UNPAID BILLS

48085	Baker & Associates	SE	\$4,009.99
48086	Dan Bishop	RE	\$50.00
48087	Shelby Berger	RE	\$50.00
48088	Bauerkempers	SE	\$74.80
48089	Tony Bishop	RE	\$50.00
48090	City of Chadron	EX	\$45.00
48091	Customized Billing	SE	\$150.00
48092	Chadron Ace Hardware	SU	\$369.09
48093	Emergency Medical Products	SU	\$239.10
48094	Essence	SU	\$39.00
48095	First National Bank Omaha	SU	\$4.67
48096	First National Bank Omaha	SU	\$437.52
48097	JD Financial	SU	\$449.76
48098	Ford Motor Credit	EX	\$374.09
48099	Great Plains Communications	SE	\$1,677.33
48100	Grant Writing USA	SE	\$455.00
48101	Gall's	SU	\$246.72
48102	Grocery Mart	SU	\$7.44
48103	General Fund Money Market	EX	\$8,000.00
48104	Hinn's Auto Supply	SU	\$340.14
48105	Colin Hyatt	RE	\$50.00
48106	Clay Heath	RE	\$50.00
48107	Insurance Fund	EX	\$14,859.00
48108	Ideal Linen	SE	\$96.89
48109	Kustom Rock	SU	\$60.50
48110	Gardner, Loutzenhiser & Ryan	SE	\$750.00
48111	MPC Heating	SE	\$12,048.46
48112	Madison National Life	EX	\$47.09
48113	NPPD	SE	\$6,143.07
48114	NE Total Office	SU	\$261.32

48115	NW Pipe Fittings	SU	\$67.75
48116	NW Community Action	EX	\$124.33
48117	One Call Concepts	SE	\$32.39
48118	Otte Feeds	SU	\$26.00
48119	Powerplan	SU	\$219.57
48120	Petty Cash Fund	RE	\$125.99
48121	Shane Pascale	RE	\$50.00
48122	Ben Plemons	RE	\$50.00
48123	Radiology Imaging	SE	\$34.00
48124	NE Public Health Env Lab	SE	\$612.00
48125	Glen Spaugh	RE	\$50.00
48126	Dan Sasse	RE	\$50.00
48127	Stockmen's Drug	SU	\$8.38
48128	Sheridan County Journal Star	SE	\$811.51
48129	Smith King & Simmons	SE	\$972.50
48130	True Value	SU	\$616.22
48131	Westco	SU	\$1,795.15
48132	Water Reserve Fund	RE	\$1,716.00
48133	Water/Sewer Bond Fund	EX	\$17,200.00
48134	Water/Sewer Bond Fund	EX	\$5,000.00
48135	Kevin Wolkins	RE	\$50.00
48136	Waugh Welding & Construction	SE	\$1,202.57
48137	Keith Wolkins	RE	\$50.00
48138	Xerox	EX	\$458.47
	Total May Unpaid Bills		\$82,758.81
	Total May Paid Bills		\$88,882.86
	Total May Bills		\$171,641.67

Janet Hess was present representing the Lone Willow Tree Chapter, DAR to discuss with council the chapter's project to erect an historic marker to the lone willow tree. They have received approval from the NE Department of Transportation, and are now working to gather the \$2,300 to complete the project. They have several fund raisers planned in the future, but any business or private citizen may donate to the project. Donations can be left at the Sandhills Land and Property office.

Terry Rajewich, NPPD Account Manager, Doug Johnson, local NPPD Manager, and Jennifer Branson, Chadron NPPD Office Manager were present to review with council the new Retail Operations Agreement that is available to the City of Gordon and to give a retail briefing regarding NPPD. The new agreement gives the city options to generate more revenue through the lease agreement. Mayor Russell was also presented with a clock in recognition with the long standing relationship between NPPD and the City of Gordon. No action was taken on this item.

Council was asked by a group of local business-people and private citizens to consider an ordinance that would allow the sale of alcohol within the city limits on Sunday. Motion by Paul, seconded by Evans to pass first reading of Ordinance 1182 – An ordinance of the City of Gordon, Nebraska amending Section 4-205 of the Gordon Municipal Code: Hours of Sale – Providing for changes to the hours of sale of alcoholic beverages. Councilman Bounous stated that he had not heard a reason that would justify changing the ordinance. Chamber President Ray Misner was present and stated that he believed allowing the sale of alcohol on Sunday would help to increase the revenue of all Gordon

businesses on weekends, and would give the liquor license holders in Gordon the same opportunities as the ones outside of the city limits. Also present in favor of the ordinance change were Marlin Sandoz, Fuel Grill, Jeff and Kerry Butler, Daylight Donuts, and Maureen Hess, Sandhills Land and Property. City personnel have received two written protests to changing the ordinance, but no one was present at the meeting that voiced opinions against the proposed change. After some discussion, Mayor Russell asked for a roll call vote to the motion on the floor. Ayes: Evans and Paul. Nays: Russell, Grant, and Bounous. Motion defeated.

Motion by Paul, seconded by Evans to approve Marlin Sandoz's, Fuel Grill, request for extended liquor sale hours on Sunday, June 2 from 12:00 pm to 9:00 pm for the Bicycle Ride Across Nebraska event. Ayes: Bounous, Evans, Paul, Russell, and Grant.

Motion by Paul, seconded by Evans to approve Marlin Sandoz's, Fuel Grill, application for a Special Designated Liquor license for Saturday, June 1 from 4:00 pm to 9:00 pm for the Gordon Hospital Foundation's Bikes, Brew, and BBQ fundraiser. Ayes: Evans, Paul, Russell, Grant, and Bounous.

Motion by Paul, seconded by Evans to approve Marlin Sandoz's, Fuel Grill, application for a Special Designated Liquor license for Sunday, June 2 from 12:00 pm to 9:00 pm for the Bicycle Ride Across Nebraska event. Ayes: Paul, Russell, Grant, Bounous, and Evans.

Motion by Evans, seconded by Paul to approve Bobby Delgado's application to the Gordon Volunteer Rescue Squad and to thank him for his service. Ayes: Evans, Paul, Russell, Grant, and Bounous.

Motion by Evans, seconded by Bounous to approve Sherrie Kaplan's application to the Gordon Volunteer Rescue Squad and to thank her for her service. Ayes: Paul, Russell, Grant, Bounous, and Evans.

Motion by Grant, seconded by Paul to approve Resolution 2019-04. Ayes: Russell, Grant, Bounous, Evans, and Paul.

Resolution 2019-04

WHEREAS, the City of Gordon intends to create a parade route from **1st and Main to 5th and Main** for the **Sheridan County Fair and Rodeo Parade Saturday, July 27, 2019 from 9:00 am to 12:00 pm.**

WHEREAS, closure of roadways along the parade route is necessary to relieve the through traffic from the area in the City of Gordon, Nebraska on or near the parade route, and to provide a safe event for participation and spectators, and;

WHEREAS, the Main Street (Nebraska Highway 27) roadway from 1st Street to 5th Street is part of the state highway system and is located within the official corporate limits or zoning jurisdiction of the City of Gordon, and;

WHEREAS, the City of Gordon, while making use of the state highway system for a special event, shall have the legal duty to protect the highway property from any damage that may occur arising out of the special event and the state shall not have any such duty during the time the City of Gordon is in control of the property as specified in the notice provided pursuant to LB 589/N.R.S §39-1359, and;

WHEREAS, any existing statutory or common law duty of the state to protect the public from damage, injury, or death shall become the duty of the City of Gordon while making use of the state highway system for a special event and the state shall not have any such statutory or common law duty during the time the City of Gordon is in control of the property as specified in the notice provided pursuant to LB 589/N.R.S §39-1359, and;

WHEREAS, pursuant to LB 589/N.R.S §39-1359, thirty (30) days advance written notice of the special event must be provided which specifies the date and time City of Gordon will assume control of the identified state highway property, as well as the date and time the City of Gordon will relinquish control of such state highway property to the State of Nebraska. In addition, the City of Gordon shall provide beginning and ending locations for the highway closure including sufficient area for the placement of advance warning and/or detour signing, and include sufficient time for the City of Gordon to prepare and later clean the property prior to returning possession back to the State of Nebraska, and;

WHEREAS, LB 589/N.R.S §39-1359 dictates that if a special event includes any portion of the State of Nebraska Highway System, the City of Gordon shall, if a claim is made against the State of Nebraska, indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fess, that may arise as a result of the special event; and

NOW, THEREFORE, BE IT RESOLVED, that said Parade Route and road Closure referred to hereinabove is hereby adopted. That the governing body of the City of Gordon acknowledges and accepts all duties set out in LB 589/N.R.S §39-1359, subsection (2) and accepts that the City of Gordon shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability including reasonable attorney's fees, that may arise as a result of the event and such Parade Route and Road Closure is accepted by the City of Gordon and the Mayor and City Clerk are hereby authorized and directed to execute same on behalf of the municipality.

CITY OF GORDON, NEBRASKA

/s/ Kelly Grant
KELLY GRANT, VICE-MAYOR

ATTEST:

/s/ Kim Buchan
KIM BUCHAN, CITY CLERK

City Manager Glen Spaugh updated council on the current solar project. The state electrical inspector has done the final inspection. Once GenPro receives the certificate of inspection they will file it with Northwest Rural Public Power District. City Manager Spaugh also needs to complete some paperwork with NWRPPD. The solar panels are projected to be on line in June.

City Manager Spaugh updated council on the NE State Fly-In on Sunday, June 1, and the fund raiser for the event on Saturday, May 18. The fund raiser will be held at the Gordon City auditorium from 5:00 to 7:00 pm. There will be a soup, bread and dessert meal for a free will donation and a silent auction. The Airport Authority is accepting donations for the silent auction which can be dropped off at the City Office, 311 N Oak Street. If you are unable to attend the fund raiser, but would like to donate money to the Fly-In, checks can be dropped off at the city office. Make checks payable to the Gordon Airport Authority, and put Fly-In on the memo line, or mark any cash donations.

The property to the north of the city shop is currently on the market. Public Works Director Dan Bishop is interested in acquiring the property to use as storage for city equipment. City Manager Spaugh will begin the process to purchase the property.

Council was given one FYI item – a thank you from NE Rural Water for the city's equipment donation.

With no further business, motion by Bounous, seconded by Paul, to adjourn at 7:25 pm. Ayes: Grant, Bounous, Evans, Paul, and Russell.

 /s/ Kim Buchan

City Clerk

 /s/ Nancy I Russell

Mayor

I, the undersigned, City Clerk for the City of Gordon, Nebraska hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on May 9, 2019; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continuously current and available for inspection at the office of the City Clerk; that such subjects were contained in said minutes of the Mayor and Council of the City of Gordon from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

 /s/ Kim Buchan

City Clerk