

March 12, 2020

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., March 12, 2020 in the Council Chambers of the City Auditorium. The Mayor noted the location of the Open Meetings Laws in the back of the room.

Present: Paul, Grant, and Bounous.

Absent: Russell and Evans.

Motion by Paul, seconded by Bounous, to approve the minutes of the February 13, 2020 meeting. Ayes: Grant, Bounous, and Paul.

Motion by Bounous, seconded by Paul, to approve the February 2020 Treasurer's Report. Ayes: Bounous, Paul, and Grant.

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

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

PAID BILLS

EFTPS	Ally	EX	\$562.39
EFTPS	Ally	EX	\$523.52
EFTPS	Fleet Services	SU	\$981.23
EFTPS	FNBO	FE	\$141.05
EFTPS	NE Dept of Revenue	RE	\$4,029.62
INS1084	Travelers	EX	\$105,855.00
49072	Airport Authority	RE	\$1,068.94
49073	Airport Bond Savings	RE	\$877.54
49074	Consolidated Management	SE	\$26.22
49075	DAS State Accounting	FE	\$55.00
49076	Cengage	SU	\$130.86
49077	House Beautiful	SU	\$7.97
49078	National Geographic	SU	\$39.00
49079	Oprah Magazine	SU	\$26.00
49080	Perpetual Care Fund	RE	\$200.00
49081	Sheridan County Clerk	FE	\$16.00
49082	Special Assessment Bond Fund	RE	\$1,452.88
49083	Seth Tausan	RE	\$50.00
49084	Xerox	EX	\$80.93
49085	Payroll Fund	SA	\$34,673.36

WS109	KL Wood	EX	\$156,368.47
49086	Katie Williamson	RE	\$100.00
49087	BC/BS	EX	\$24,434.38
49088	City of Gordon	SE	\$50.06
49089	Joe King	RE	\$100.00
49090	Madison National Life	EX	\$60.89
49091	Black Hills Energy	SE	\$2,261.69
49092	Sandhills Land & Property	EX	\$400.00
49093	USPS	SE	\$165.83
49094	Verizon	SE	\$200.05
49095	Wreck A Mended	SE	\$2,054.66
49096	Dan Bishop	MI	\$466.90

Total March Paid Bills

\$337,460.44

UNPAID BILLS

49098	Baker & Associates	SE	\$3,508.75
49099	Dan Bishop	RE	\$50.00
49100	Shelby Colwell	RE	\$50.00
49101	Tony Bishop	RE	\$50.00
49102	City of Chadron	EX	\$45.00
49103	Consolidated Mngmnt	SE	\$8.74
49104	Customized Billing	SE	\$180.00
49105	BC Tire Service	SE	\$80.00
49106	Casey Petersen, LTD	SE	\$18,301.53
49107	Hannah Calkins	RE	\$50.00
49108	Enviro Services	SE	\$22.00
49109	First National Bank of Omaha	SU	\$42.27
49110	JD Financial	SU	\$17.54
49111	Ford Motor Credit	EX	\$374.09
49112	GMHS	SE	\$677.74
49113	Great Plains Communications	SE	\$1,700.03
49114	Gall's	SU	\$859.11
49115	Grocery Mart	SU	\$41.90
49116	The Glass Wizard	SE	\$85.00
49117	General Fund Money Market	EX	\$10,000.00
49118	Hinn's Auto Supply	SU	\$1,786.12
49119	Homestead	SU	\$132.03
49120	Husker Steel	SU	\$10,498.00
49121	Clay Heath	RE	\$50.00
49122	Insurance Fund	EX	\$13,000.00
49123	Interstate Industrial Service	SE	\$303.64
49124	Kustom Rock	SU	\$117.20
49125	Kirk's Repair	SE	\$150.00
49126	Gardner, Loutzenhiser & Ryan	SE	\$800.00
49127	Med-Tech Resources	SU	\$2,043.23
49128	Macumber Plumbing	SE	\$60.00
49129	Joe McGough	RE	\$50.00

49130	Midwest Engines	SU	\$1,357.11
49131	NPPD	SE	\$6,134.00
49132	NE Total Office	SU	\$189.06
49133	North Star Electric	SE	\$4,134.00
49134	NWRPPD	SE	\$3,483.64
49135	NW Pipe Fittings	SU	\$912.15
49136	NW Community Action	EX	\$192.93
49137	NE Dept Health & Human Serv	FE	\$40.00
49138	NE Mosquitor Vector Control Assoc	FE	\$15.00
49139	NE Law Enforcement Tr Ctr	SE	\$250.00
49140	Verizon Connect	SE	\$94.75
49141	One Call Concepts	SE	\$8.68
49142	Petty Cash	RE	\$308.48
49143	Police Officers Assoc of NE	FE	\$90.00
49144	Shane Pascale	RE	\$50.00
49145	Ben Plemons	RE	\$50.00
49146	Quill	SU	\$287.22
49147	Respond First Aid	SU	\$137.21
49148	Rushville Service Center	SE	\$363.00
49149	NE Public Health Env lab	SE	\$48.00
49150	Glen Spaugh	RE	\$50.00
49151	Dan Sasse	RE	\$50.00
49152	Sheridan County Journal Star	SE	\$572.44
49153	Smith, King, Simmons, & Conn	SE	\$950.00
49154	True Value	SU	\$420.29
49155	Verizon	SE	\$150.00
49156	Westco	SU	\$2,686.73
49157	Water Reserve Fund	EX	\$1,716.00
49158	Dustin White Irrigation	SE	\$2,824.27
49159	Water/Sewer Bond Fund	EX	\$17,200.00
49160	Water/Sewer Bond Fund	EX	\$5,000.00
49161	Kevin Wolkins	RE	\$50.00
49162	Wreck A Mended	SE	\$653.24
49163	Keith Wolkins	RE	\$50.00
49164	Xerox	EX	\$160.75
	Total March Unpaid Bills		\$115,812.87
	Total March Paid Bills		\$337,460.44
	Total March Bills		\$453,273.31

The City of Gordon needs to replace the mowers that are currently being used to maintain the parks, cemetery and other city properties. Council was given information on two possible replacements. No action was taken on this item and it was tabled until the April meeting, when all information will be available.

Currently, the ordinance regarding the discipline and discharge of City of Gordon police officers is very vague. City Manager Spaugh and Chief Heath have been working with City Attorney Jamian Simmons to update this section of the municipal code. Motion by Paul, seconded by Bounous to pass Ordinance 1191. Ayes: Grant, Bounous, and Paul.

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1191**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 1-512 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA, PROVIDING FOR THE DISCHARGE OR DISCIPLINE OF POLICE OFFICERS, AND ESTABLISHING PROCEDURES; 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 1-512 of the Gordon Municipal Code be amended as follows:

SECTION 1-512: POLICE; DISCHARGE OR DISCIPLINE; APPEAL

All police officers, including the city police chief, are at-will employees and may be removed, demoted or suspended at any time, without cause, by the mayor or the City Council as a whole. A suspension may be ordered, with or without pay, as determined by the mayor or City Council as a whole. Any police officer, including the chief of police may appeal any such removal, demotion or suspension (whether with or without pay) according to the provisions of this ordinance.

- A. A police officer, or the city police chief, may be disciplined or removed from office, demoted or suspended for any gross misconduct, neglect of duty, violation of police policies and procedures, dishonesty, disobedience of lawful orders of a superior or disobedience of lawful orders of the mayor or the City Council as a whole.
- B. A police officer, or city police chief, shall have the right to appeal any disciplinary action, discharge, removal, demotion or suspension to the City Council. Such appeal shall be made within 30 days of the disciplinary action, discharge, removal, demotion or suspension by filing a written application for hearing before the City Council. Such written application shall be made to the city clerk, who shall immediately notify the mayor and city manager of the receipt of such application. Upon notice of the filing of such application, and within 20 days of receipt of the same, the mayor shall call a meeting of the City Council to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge, or their respective attorneys or representatives, shall have the right to be heard at the hearing and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the removal or disciplinary action.
- C. The failure of the City Council to act within 30 days from the adjournment of an appeal hearing or the failure of a majority of the elected Council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal

or disciplinary action. The decision of the city council shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska.

- D. In such circumstance where a written accusation of a violation of policies or procedures, dishonesty, gross misconduct, neglect of duty or other wrongdoing is made against any police officer, including the chief of police, whether such written accusation is made by the police chief, city manager, mayor or any citizen or taxpayer, the following procedures shall apply:
1. Within 5 business days from the receipt of such written accusation, a copy thereof shall be provided to the mayor, city manager, police chief and to the police officer against whom such accusation was made. At the time the written accusation is provided to the police officer, said police officer shall be provided with notice of his or her right to have an attorney or other representative retained by the police officer present with him or her at all hearings or proceedings regarding the written accusation.
 2. In the event any disciplinary action is taken due to the allegations made in such written accusation, whether such disciplinary action includes discharge, removal, demotion or suspension (either with, or without pay), the police officer against whom such disciplinary action is taken has all rights as provided for in this ordinance, including the right to appeal and for hearing before the City Council.
- E. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty or disobedience of orders.
- F. This ordinance does not apply to a police officer during his or her probationary period.

(Neb. Rev. Stat. §17-107(3))

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

SECTION 3. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 12th day of March, 2020.

CITY OF GORDON, NEBRASKA

By /s/ Kelly Grant
Vice-Mayor

ATTEST:

 /s/ Kim Buchan
City Clerk

Motion by Bounous, seconded by Paul to waive 2nd and 3rd readings of Ordinance 1191. Ayes: Bounous, Paul, and Grant.

This year the city received \$5,437 from (P)ACE, representing this community's share of the ACE 2019-2020 distribution. After some discussion, motion by Bounous, seconded by Paul to allocate these funds toward the purchase or repair of the boiler at the swimming pool. Ayes: Paul, Grant, and Bounous.

Motion by Paul, seconded by Bounous to approve the application made by Hannah Calkins for the Gordon Volunteer Ambulance Squad, and to thank her for her service to our community. Ayes: Grant, Bounous, and Paul.

City Manager Spaugh sits on a committee organized by Panhandle Public Health District. The committee is examining different ways to make our community healthier and safer. One of the topics that has been discussed is the lack of marked cross walks and the increased speed limit north of 4th Street. City Manager Spaugh reached out to the Nebraska Department of Transportation (NDOT). Alan Swanson, Traffic Analysis Engineer, NDOT, responded by referencing past correspondence with and studies done for the City of Gordon. They are not currently recommending pavement markings across Highway 27 (N Main Street), but will re-visit this topic when the resurfacing project for this portion of Highway 27 begins, tentatively in 2021. In order to change a speed limit, a speed study must be done. Mr. Swanson would like to start and complete this while school is still in session. In order for a study to be done, their needs to be a formal request made by the city council. After some discussion, motion by Paul, seconded by Bounous to request that the NDOT do a speed study on Highway 27, north of 4th Street. Ayes: Bounous, Paul, and Grant.

Soni Cochran, NE Extension, met with City Manager Spaugh this month and informed him that Gordon is one of ten communities in Nebraska that has been selected for an assessment of Health-Related Quality of Life. Of special interest is how mental and physical health is affected by disasters, such as the Bomb Cyclone in March 2019. Ms. Cochran would also like to make the community aware of opportunities for free counseling with finances/legal services, suicide prevention and education on agricultural related matters. More information on these services is available at the city office.

Danny Reynage, with the REACH program, visited the facilities at the city auditorium on March 6th. The REACH program is looking into expanding their services to include this area, and may possibly use the city's conference room to facilitate this. REACH provides free civil legal services to victims of domestic violence and victims of elder abuse and financial exploitation to address immediate health and safety needs.

The boiler at the swimming pool is not operational. City personnel is currently researching whether it would be financially better to repair or replace the boiler. Council will be given more information at the April meeting.

This year's Community Clean Up Days – Project: Pickin' Up the Pieces – will be April 25 – May 3. The program is being expanded this year to include making sure that properties are not in violation of city code. Watch for information on the city's website as well as in the Sheridan County Journal Star. You may also obtain information by calling the city office.

Motion by Bounous, seconded by Paul to pass Resolution 2020-07. Ayes: Paul, Grant, and Bounous.

**CITY OF GORDON, NEBRASKA
RESOLUTION NO. 2020-07**

A RESOLUTION TO APPOINT THE CITY OF GORDON’S REPRESENTATIVES TO THE ACE BOARD OF DIRECTORS.

WHEREAS the City of Gordon, State of Nebraska, is a party to the Interlocal Agreement creating the Public Alliance for Community Energy and, pursuant to the terms of said Agreement, it is the responsibility of the City to designate a representative of the City of Gordon to the Public Alliance for Community Energy Board of Directors provided for under the terms of said Agreement.

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF GORDON, that:

1. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of the City Manager of the City of Gordon as the City’s representative to the Board of Directors.
2. The City Clerk is hereby directed to give written notice to the Public Alliance for Community Energy of the appointment of the Mayor of the City of Gordon as the City’s alternate representative to said Board of Directors.

This is to certify that the appointments set out above were approved by the City Council of the City of Gordon, State of Nebraska, at their meeting on March 12, 2020.

CITY OF GORDON, NEBRASKA

/s/ Kelly Grant
Kelly Grant, Vice-Mayor

ATTEST:

/s/ Kim Buchan
Kim Buchan, City Clerk

With no further business, motion by Bounous, seconded by Paul to adjourn at 6:42 pm. Ayes: Grant, Bounous, and Paul.

/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 March 12, 2020; 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 were written from 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