

May 14, 2020

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.

Due to technical difficulties with the GoToMeeting application, the meeting of the City Council of the City of Gordon was called to order at 6:30 p.m., May 14, 2020. The meeting was conducted by conference call and video conferencing in order to comply with social distancing guidelines due to the COVID-19 outbreak and to follow the Executive Order No. 20-03 issued by Governor Ricketts on March 17, 2020. The Mayor noted the location of the Open Meetings Laws poster.

Present: Russell, Grant, Bounous, Evans, and Paul.

Absent: No One.

Motion by Bounous, seconded by Evans to approve the minutes of the April 9, 2020 meeting. Ayes: Grant, Bounous, Evans, Paul, and Russell.

Motion by Grant, seconded by Paul to approve the minutes of the April 23, 2020 special meeting. Ayes: Bounous, Evans, Paul, Russell, and Grant.

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

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

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

#### PAID BILLS

<b>EFTPS</b>	<b>Ally</b>	<b>EX</b>	<b>\$562.39</b>
<b>EFTPS</b>	<b>Ally</b>	<b>EX</b>	<b>\$523.52</b>
<b>EFTPS</b>	<b>Fleet Services</b>	<b>SU</b>	<b>\$1,020.25</b>
<b>EFTPS</b>	<b>FNBO</b>	<b>FE</b>	<b>\$247.63</b>
<b>EFTPS</b>	<b>NE Dept of Revenue</b>	<b>RE</b>	<b>\$3,735.37</b>
<b>EFTPS</b>	<b>Xerox</b>	<b>EX</b>	<b>\$91.34</b>
<b>GF1010</b>	<b>Inland Truck</b>	<b>SE</b>	<b>\$24,168.43</b>
<b>INS1087</b>	<b>Security 1st Insurance</b>	<b>EX</b>	<b>\$40.00</b>
<b>49254</b>	<b>Payroll Fund</b>	<b>SA</b>	<b>\$29,000.37</b>
<b>49255</b>	<b>Airport Authority</b>	<b>RE</b>	<b>\$2,675.76</b>
<b>49256</b>	<b>Airport Bond Savings</b>	<b>RE</b>	<b>\$2,205.69</b>
<b>49257</b>	<b>Amazon.com</b>	<b>SU</b>	<b>\$119.42</b>
<b>49258</b>	<b>BC/BS</b>	<b>EX</b>	<b>\$11,073.08</b>
<b>49259</b>	<b>DAS State Accounting</b>	<b>FE</b>	<b>\$55.00</b>
<b>49260</b>	<b>Discover</b>	<b>SU</b>	<b>\$26.32</b>
<b>49261</b>	<b>Family Handyman</b>	<b>SU</b>	<b>\$25.95</b>

49262	Cengage Gale	SU	\$64.58
49263	Health	SU	\$10.00
49264	Kirk's Repair	SE	\$56.99
49265	Library Petty Cash	SU	\$26.61
49266	NWRPPD	SE	\$4,311.16
49267	NE Secretary of State	FE	\$30.00
49268	Omaha World Herald	SU	\$300.35
49269	Pioneer Woman	SU	\$18.00
49270	Popular Mechanics	SU	\$8.00
49271	Special Assessment Bond Fund	RE	\$3,647.35
49272	USPS	EX	\$92.00
49273	Western Horseman	SU	\$15.00
49274	Xerox	EX	\$88.73
49275	City of Gordon	RE	\$100.00
49276	City of Gordon	RE	\$69.23
49277	Kendra Kain	RE	\$30.77
49278	Madison National Life	EX	\$57.44
49279	NE Law Enforcement Tr Ctr	SU	\$135.00
49280	Blackhills Energy	SE	\$1,394.74
49281	Sandhills Land & Property	EX	\$400.00
49282	USPS	SE	\$170.52
49283	Verizon	SE	\$200.05

**Total May Paid Bills** **\$86,797.04**

**UNPAID BILLS**

49285	Dan Bishop	RE	\$50.00
49286	Bierschbach	SU	\$358.00
49287	Blue Cross/Blue Shield	EX	\$11,835.82
49288	Shelby Colwell	RE	\$50.00
49289	Tony Bishop	RE	\$50.00
49290	City of Chadron	EX	\$45.00
49291	City of Gordon	SE	\$50.06
49292	Customized Billing	SE	\$225.00
49293	Croell	SU	\$1,336.31
49294	BC Tire Service	SE	\$120.00
49295	Contractors Materials	SU	\$88.50
49296	Hannah Calkins	RE	\$50.00
49297	Display Sales	SU	\$1,310.00
49298	Digital-Ally	SU	\$240.00
49299	First National Bank of Omaha	SU	\$332.18
49300	JD Financial	SU	\$740.57
49301	Fyr-Tek	SU	\$3,676.00
49302	Fish Trucking	SE	\$1,600.00
49303	Ford Motor Credit	EX	\$374.09
49304	Gordon Memorial	SU	\$232.00
49305	Great Plains Communications	SE	\$1,689.68
49306	Gall's	SU	\$197.15
49307	Grocery Mart	SU	\$17.63
49308	GPM	SE	\$412.00

49309	General Fund Money Market	EX	\$12,000.00
49310	Hinn's Auto Supply	SU	\$189.44
49311	Homestead	SU	\$247.86
49312	Husker Auto Parts	SU	\$3.47
49313	Clay Heath	RE	\$50.00
49314	Insurance Fund	EX	\$13,000.00
49315	Kimball Midwest	SU	\$138.00
49316	Gardner, Loutzenhiser & Ryan	SE	\$800.00
49317	Brandon Mika	RE	\$50.00
49318	Municipal Chemical Supply	SU	\$480.00
49319	Med-Tech Resources	SU	\$1,811.61
49320	Joe McGough	RE	\$50.00
49321	NPPD	SE	\$6,021.15
49322	NE Total Office	SU	\$43.51
49323	Nebraskaland Tire	SU	\$59.70
49324	Verizon Connect	SE	\$82.25
49325	One Call Concepts	SE	\$56.42
49326	Petty Cash	RE	\$98.84
49327	Shane Pascale	RE	\$50.00
49328	Petersen Seeds	SU	\$156.50
49329	Quill	SU	\$80.94
49330	Rushville Service Center	SE	\$441.16
49331	Blackhills Energy	SE	\$51.60
49332	NE Public Health Env lab	SE	\$48.00
49333	Glen Spaugh	RE	\$50.00
49334	Dan Sasse	RE	\$50.00
49335	Stockmen's Drug	SU	\$36.18
49336	Scottsbluff Screenprinting	SU	\$114.00
49337	Schumacher Irrigation	SU	\$148.35
49338	Sheridan County Journal Star	SE	\$1,261.29
49339	Smith, King, Simmons, & Conn	SE	\$740.00
49340	Simon Materials	SU	\$1,202.00
49341	True Value	SU	\$613.43
49342	Westco	SU	\$890.18
49343	Water Reserve Fund	EX	\$1,716.00
49344	Winter Sewing	SE	\$14.00
49345	Water/Sewer Bond Fund	EX	\$17,200.00
49346	Water/Sewer Bond Fund	EX	\$5,000.00
49347	Kevin Wolkins	RE	\$50.00
49348	Keith Wolkins	RE	\$50.00
	<b>Total May Unpaid Bills</b>		<b>\$90,225.87</b>
	<b>Total May Paid Bills</b>		<b>\$86,797.04</b>
	<b>Total May Bills</b>		<b>\$177,022.91</b>

Due to social distancing guidelines, Mayor Russell swore in Officer Brandon Mika on Monday, May 11, at the Gordon Police Department. The city council welcomes Officer Mika and wishes to thank him for his service to our community.

Motion by Evans, seconded by Paul to allow Mayor Russell to sign the Police Week Proclamation. Ayes: Russell, Grant, Bounous, Evans, and Paul.

Brandy Wright requested to be on the agenda to discuss the numerous nuisance properties in Gordon. She has recently moved back to Gordon and is concerned that these properties will deter people from wanting to move to Gordon. She would like to see the city council take a more proactive approach and start to enforce the nuisance ordinances. City Manager Spaugh stated that this has been an ongoing problem for decades but agreed that solutions need to be sought. Currently, letters are sent to property owners, but the problem lies in the follow up to the letters. City Manager Spaugh will begin to work on a system, including possibly a part time zoning employee, that will help to enforce the existing ordinances.

Motion by Grant, seconded by Paul to approve Resolution 2020-11. Ayes: Grant, Bounous, Evans, Paul, and Russell.

#### Resolution 2020-11

WHEREAS, the City of Gordon intends to create a parade route from **1<sup>st</sup> and Main to 5<sup>th</sup> and Main** for the **Sheridan County Fair and Rodeo Parade Saturday, July 25, 2020 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 1<sup>st</sup> Street to 5<sup>th</sup> 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 fees, 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

After some discussion, motion by Grant, seconded by Paul to pass Resolution 2020-12. Ayes: Bounous, Evans, Paul, Russell, and Grant.

## CITY OF GORDON, NEBRASKA

### RESOLUTION 2020-12

#### **A RESOLUTION AUTHORIZING THE CITY OF GORDON TO SET GUIDELINES FOR COMMENTS OR TESTIMONY BY MEMBERS OF THE PUBLIC DURING PUBLIC MEETINGS AND PUBLIC HEARINGS OF THE CITY.**

WHEREAS, the Nebraska Open Meetings Act guarantees that every meeting of a public body shall be open to the public in order that citizens be afforded their democratic privilege of attending and speaking at meetings of public bodies. The Nebraska Open Meetings Act can be found at Neb.Rev.Stat. § 84-1407 through §84-1414 (Reissue 2014); and

WHEREAS, pursuant to Neb.Rev.Stat. §84-1412(2), public bodies are granted the ability to make and enforce reasonable rules and regulations regarding the conduct of persons attending or speaking at public meetings and regarding during which public meetings citizens are allow to speak;

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GORDON, NEBRASKA, the following rules shall be observed during any Public Hearing, Public Comment Period, or other public comment opportunity afforded to a citizen or member of the public during a public meeting held by the City of Gordon, provided however, these rules do not apply to appeals hearings governed by the City Council appeals procedures if said appeals are otherwise in conflict with this provision:

1. There shall be no specific time limit set for the overall duration of any officially advertised Public Hearing held by the City of Gordon, provided however, the City of Gordon may establish rules and regulations governing the time afforded to each individual member of the public requesting to speak during a public hearing.
2. Public Comment Periods of any public meeting of the City of Gordon shall not under any circumstances exceed one hour unless specific approval to extend such public comment period is authorized by the City Council.

3. During any public comment opportunity of a public meeting of the City of Gordon, the presentation of background information from a City department (Staff Report), a City Board or Commission, or other organization shall be limited to no more than 15 minutes, unless otherwise authorized by the Mayor or Presiding Officer.
4. Any public comment opportunity afforded by the City of Gordon to a citizen or member of the public shall be subject to the following rules:
  - a. Persons wishing to testify or speak during any public hearing or public comment period may be required to sign in on a sign-in sheet provided, and such persons will be called to speak in the order in which they appear on said list.
  - b. Comments or testimony of members of the public may be limited in duration by the City. Where possible, such comments or testimony should not exceed five minutes in duration, but that duration may be limited further depending upon the number of people wishing to speak at any given hearing, meeting or public comment period; or when time restrictions of the public meeting or public comment period otherwise may require.
  - c. Persons participating in public meetings or public hearings are strongly encouraged to aid the Council in maintaining the decorum and orderly progression of the Council agenda. Engaging in shouting, use of profanity or slurs against others is strictly prohibited. Disruptive noise or comments that are off-topic detract from the ability of the Council to conduct business. Where such conduct results in actual disruption of the public meeting, the Mayor or Presiding Officer may issue a verbal warning to the offender, and if the behavior continues, have the offender removed from the Council Chambers. Repeated disruption may result in the offender being excluded from participating in public comment at one or more subsequent Council meetings. If the Mayor or Presiding Officer issues an exclusion to an offender, the Mayor or Presiding Officer shall inform the offender of the basis for the exclusion and the term of the exclusion. The Mayor or Presiding Officer shall also notify the offender that if he or she desires to address the Council during the period of exclusion from public comment, he or she may submit written comments which will be received by the City Clerk and provided to each of the Council members.
  - d. If so authorized by the City Council, or the board or committee conducting such public meeting, the Mayor or Presiding officer may allow additional time for receipt of written testimony from members of the public.
5. These rules and regulations may be suspended by majority vote of the City Council.
6. The City Clerk shall be the timekeeper and shall keep track of all time limits established herein.
7. No person who is not a member of the City Council shall be allowed to address the City Council outside of times designed for public comment opportunities without having first sought permission from the Mayor or Presiding Officer.
8. Pursuant to Neb.Rev.Stat. §84-1412(2), the City of Gordon is not required to allow members of the public to speak at each meeting of the City, provided the City shall not forbid public participation at all meetings.
9. The City of Gordon reserves the right to establish additional rules and regulations regarding public comment time limits, number of persons allowed to testify or speak, or other regulations which are not otherwise contrary to law for any specific public

hearing or public meeting. If such additional rules or regulations shall be imposed as allowed by this provision, such rules or regulations shall be included in any notice or advertisement which is published or posted in advance of such meeting or hearing.

**PASSED AND APPROVED** this 14<sup>th</sup> day of May, 2020.

CITY OF GORDON, NEBRASKA

/s/ Nancy I Russell

NANCY RUSSELL, Mayor

ATTEST:

/s/ Kim Buchan

City Clerk

With the health directives issued by Governor Ricketts in response to the COVID-19 pandemic, it is unclear when or if the state will allow swimming pools to open. If pools are allowed to open, there will most likely be socially distancing guidelines that will be very difficult to enforce. A decision to open the pool or to have it closed through the 2020 season needs to be made due to the yearly maintenance that is needed to open the pool. The Gordon City Council recognizes the importance of the municipal pool but feels the safety of the patrons and employees is of greater importance. After some discussion, motion by Bounous, seconded by Evans to close the Gordon municipal swimming pool for the 2020 season in response to the COVID-19 pandemic. Ayes: Evans, Paul, Russell, Grant, and Bounous.

Council was given information regarding the procurement and purchasing policy of the City of Gordon and a letter of opinion regarding this policy from City Attorney Dennis King. City Manager Spaugh stated that he felt the policy was lacking a specific dollar amount, and guidelines, in requesting bids for the purchase of equipment. Council requested that City Manager Spaugh work with city attorneys to write an updated ordinance that would clarify the areas which are not specific and submit the updates for consideration at a future council meeting.

Governor Ricketts has begun to modify the health directives that were issued in response to the COVID-19 pandemic. Currently, the city office doors are locked, the parks are closed, and the library is on limited hours, with curb side service offered. City Manager Spaugh is recommending that starting next week, the doors to the city offices be unlocked during business hours, the parks be reopened with regulations on the playground equipment, as that is still part of the health directives issued by Governor Ricketts, but leave the current library operations the same. City Manager Spaugh will begin this process and update the public as needed.

On Friday, May 1, 2020, Mayor Russell declared a bypass of the wastewater treatment facility that was effective May 7. The primary and secondary lagoons are close to capacity due to the rising groundwater. The bypass of the system is the only feasible solution. The water will be tested prior to the release and will be tested at regular intervals.

According to City Ordinance Section 10-614, alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes and the minimum width of an alley shall be twenty feet. The Solid Waste Agency of NW Nebraska (SWANN) has identified many areas within Gordon where the alleys have been neglected causing the width of the alley to be narrowed to the point that it is hindering SWANN from collecting city waste materials. In the coming weeks, SWANN employees,

along with the City of Gordon public works employees will be trimming trees and bushes in alleyways to alleviate some of the obstacles. There is no cost to the homeowner and/or property owner.

Nick Rosane is requesting that the city council allow the closing of East First Street from N Main Street to N Elm Street so that he, along with the Gordon Theatre can have “movie nights”. The movie will be projected on the north side of the Farmer’s Coop grain elevators and the sound will be transmitted over a radio station. If the first night is successful, they would like to have several movie nights through the summer. After some discussion, motion by Grant, seconded by Paul to allow Street Superintendent Dan Bishop to authorize the closing of this street for the purposes of movie night for the Gordon Theatre throughout the summer months of 2020. Ayes: Paul, Russell, Grant, Bounous, and Evans.

With no further business, motion by Bounous, seconded by Paul, to adjourn at 7:56 pm. Ayes: Russell, Grant, Bounous, Evans, 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 May 14, 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 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