

June 11, 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.

The meeting was conducted by conference call 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. A meeting of the City Council of the City of Gordon was called to order at 6:00 p.m., June 13, 2019. The Mayor noted the location of the Open Meetings Laws poster.

Present: Evans, Paul, Russell, and Bounous.

Absent: Grant.

Motion by Paul, seconded by Bounous to approve the minutes of the May 14, 2020 meeting. Ayes: Paul, Russell, Bounous, and Evans.

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

Motion by Paul, seconded by Evans to approve the bills. Ayes: 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	\$683.16
EFTPS	FNBO	FE	\$198.10
EFTPS	NE Dept of Revenue	RE	\$3,637.02
EFTPS	Xerox	EX	\$91.34
EFTPS	Xerox	EX	\$354.61
INSEFT	Bank of the West	SU	\$21.00
GF1011	First National Bank	EX	\$9,895.72
49284	Payroll Fund	SA	\$31,451.40
49349	Payroll Fund	SA	\$34,541.53
49350	Airport Authority	RE	\$4,237.61
49351	Airport Bond Savings	RE	\$3,473.07
49352	Amazon.com	SU	\$11.82
49353	DAS State Accounting	FE	\$55.00
49354	Feld Fire	FE	\$700.00
49355	Library Petty Cash	RE	\$5.86
49356	NWRPPD	SE	\$2,203.27
49357	Sam Piper	RE	\$50.00
49358	Panhandle Clerk's Assoc	FE	\$40.00
49359	Rivistas, LLC	SE	\$1,371.00
49360	Special Assessment Bond Fund	RE	\$5,749.18
49361	Service Really Matters	SE	\$588.20
49362	Uline	EX	\$1,631.48

49363	Xerox	EX	\$80.11
49364	Beau Lehman	RE	\$27.79
49365	City of Gordon	RE	\$303.21
49366	Consolidated Mngmt	SE	\$63.51
49367	Tatyana Ray	RE	\$69.00
49368	Madison National Life	EX	\$50.54
49369	Blackhills Energy	SE	\$770.87
49370	Sandhills Land & Property	EX	\$400.00
49371	USPS	SE	\$171.78
49372	Verizon	SE	\$200.05
49373	Payroll Fund	SA	\$32,318.01
49374	Huck's Lazerwash	SE	\$500.00

Total June Paid Bills **\$137,031.15**

UNPAID BILLS

49376	Axon	EX	\$2,507.50
49377	Dan Bishop	RE	\$50.00
49378	Blue Cross/Blue Shield	EX	\$11,804.42
49379	Shelby Colwell	RE	\$50.00
49380	Tony Bishop	RE	\$50.00
49381	City of Chadron	EX	\$45.00
49382	City of Gordon	SE	\$50.06
49383	Consolidated Management	SE	\$165.06
49384	Customized Billing	SE	\$180.00
49385	CLIA Lab Program	FE	\$180.00
49386	BC Tire Service	SE	\$90.00
49387	Hannah Calkins	RE	\$50.00
49388	First National Bank of Omaha	SU	\$507.94
49389	JD Financial	SU	\$1,856.94
49390	Farmer's Coop	SU	\$89.91
49391	Ford Motor Credit	EX	\$374.09
49392	Gordon Memorial	SE	\$2,338.75
49393	Great Plains Communications	SE	\$1,721.58
49394	Grocery Mart	SU	\$5.86
49395	Greenamyre Contractor	SE	\$1,975.00
49396	Gordon Rushville Public Schools	SU	\$82.80
49397	General Fund Money Market	EX	\$12,000.00
49398	Hinn's Auto Supply	SU	\$339.97
49399	Homestead	SU	\$39.94
49400	Hydro Optimization & Automation	EX	\$106,058.00
49401	Clay Heath	RE	\$50.00
49402	Insurance Fund	EX	\$13,000.00
49403	Gardner, Loutzenhiser & Ryan	SE	\$800.00
49404	Loup Valley Lighting	SU	\$382.50
49405	Brandon Mika	RE	\$50.00
49406	McLeod's	SU	\$711.49
49407	Midwest Radar & Equipment	SE	\$280.00
49408	Joe McGough	RE	\$50.00
49409	MacQueen Equipment	SU	\$516.08

49410	NPPD	SE	\$7,184.55
49411	NE Total Office	SU	\$16.67
49412	NW Pipe Fittings	SU	\$2,733.83
49413	Verizon Connect	SE	\$82.25
49414	One Call Concepts	SE	\$34.23
49415	Omaha Wholesale Hardware	SU	\$39.37
49416	Sam Piper	SE	\$50.00
49417	Perpetual Care Fund	RE	\$600.00
49418	Petty Cash	RE	\$227.85
49419	Panhandle Regional Development	FE	\$25.00
49420	Shane Pascale	RE	\$50.00
49421	Quill	SU	\$74.98
49422	NE Public Health Env lab	SE	\$153.00
49423	Glen Spaugh	RE	\$50.00
49424	Dan Sasse	RE	\$50.00
49425	Stockmen's Drug	SU	\$82.30
49426	Sheridan County Clerk	FE	\$32.00
49427	Sheridan County Journal Star	SE	\$385.09
49428	Smith, King, Simmons, & Conn	SE	\$1,383.00
49429	True Value	SU	\$535.67
49430	USPS	SE	\$137.00
49431	Rocky Mountain Air Solutions	SU	\$354.08
49432	Westco	SU	\$1,264.81
49433	Water Reserve Fund	EX	\$1,716.00
49434	Water/Sewer Bond Fund	EX	\$17,200.00
49435	Water/Sewer Bond Fund	EX	\$5,000.00
49436	Kevin Wolkins	RE	\$50.00
49437	Keith Wolkins	RE	\$50.00
Total June Unpaid Bills			\$198,014.57
Total June Paid Bills			\$137,031.15
Total June Bills			\$335,045.72

Motion by Bounous, seconded by Paul to approve Amber Sasse's (Essence) application for a Special Designated liquor license for July 2, 2020. Ayes: Evans, Paul, Russell, and Bounous.

Motion by Evans, seconded by Bounous to approve, with thanks, Brandon Mika's application for the Gordon Volunteer Rescue Squad. Ayes: Paul, Russell, Bounous, and Evans.

Motion by Evans, seconded by Bounous to approve, with thanks, Joe McGough's application for the Gordon Volunteer Rescue Squad. Ayes: Russell, Bounous, Evans, and Paul.

Motion by Paul, seconded by Evans to pass Ordinance 1193. Ayes: Bounous, Evans, Paul, and Russell.

ORDINANCE NO. 1193

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 5-113 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA, REVISING THE HOURS OF SALE OF ALCOHOL AND AUTHORIZING THE SALE OF ALCOHOL WITHIN THE MUNICIPALITY ON SUNDAY;

PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Recitals

Whereas, on the 12th day of May, 2020 an election was called and held by the City of Gordon, Nebraska in conjunction with the state-wide primary election and where the question of whether to allow for the sale of alcohol on Sundays within the City of Gordon was presented to the electorate of the municipality;

Whereas, on the 28th day of May, 2020, the Sheridan County Election Commissioner certified to the City of Gordon that 255 electors voted in favor of the sale of alcohol on Sundays, while 175 electors voted in opposition to the sale of alcohol on Sundays;

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

SECTION 1. That Section 5-113 of the Gordon Municipal Code is amended as follows:

SECTION 5-113: HOURS OF SALE

A. For the purposes of this section:

1. "On sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment.
2. "Off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

B. It shall be unlawful for any licensed establishment, person or persons or their agents to sell at retail or dispense any alcoholic beverages within the city except during the hours provided herein:

Alcoholic Liquors (except Beer and Wine)	
Monday through Thursday	
On and Off Sale	6:00 a.m. to 12:00 midnight
Friday and Saturday	
On and Off Sale	6:00 a.m. to 1:00 a.m.
Sunday	
On and Off Sale	12:00 noon to 1:00a.m.
Beer and Wine	
Monday through Thursday	
On and Off Sale	6:00 a.m. to 12:00 midnight
Friday and Saturday	
On and Off Sale	6:00 a.m. to 1:00 a.m.
Sunday	
On and Off Sale	12:00 noon to 1:00a.m.

C. Exceptions to the above hours of sale:

New Year's Eve (December 31)	
Monday through Saturday	6:00 a.m. to 1:00 a.m.

Sunday	12:00 noon to 1:00 a.m.
--------	-------------------------

D. It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between fifteen minutes after the closing hour applicable to the licensed premises and 6 a.m. on any day.

E. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which this section prohibits the sale or dispensing of alcoholic beverages.

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: This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this 11th day of June, 2020.

CITY OF GORDON, NEBRASKA

_____ /s/ Nancy I Russell
MAYOR

ATTEST:

_____ /s/ Kim Buchan
CITY CLERK

Motion by Paul, seconded by Evans to waive 2nd and 3rd readings of Ordinance 1193. Ayes: Evans, Paul, Russell, and Bounous.

Motion by Evans, seconded by Paul to pass Ordinance 1194. Ayes: Paul, Russell, Bounous, and Evans.

ORDINANCE NO. 1194

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 1-629 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA; AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Recitals

Whereas, on the 9th day of January, 2020, pursuant to Neb.Rev.Stat. §77-27,142.02, the Gordon City Council passed and approved Resolution No. 20-02 directing an election to be called and held in the City of Gordon, Nebraska in which the question of whether the city could impose an additional one-half percent (1/2%) sales and use tax on transactions within the corporate limits of the city for use in the construction, repair and/or maintenance of municipal infrastructure within the city, was ordered to be placed on the ballot of the state-wide primary election;

Whereas, notice of the question of whether the city could impose an additional one-half percent (1/2%) sales and use tax on certain transactions within the corporate limits of the city for use in the construction, repair and/or maintenance of municipal infrastructure within the city, was given by publication as required by Neb.Rev.Stat. §77-27,142.03;

Whereas, pursuant to Neb.Rev.Stat. §77-27,142 on the 12th day of May, 2020 an election was called and held by the City of Gordon, Nebraska in conjunction with the state-wide primary election and whereas the question of whether the city could impose an additional one-half percent (1/2%) sales and use tax on transactions within such

municipality on which the State of Nebraska is authorized to impose a tax, and for use in the construction, repair and/or maintenance of municipal infrastructure within the city;

Whereas, on the 28th day of May, 2020, the Sheridan County Election Commissioner certified to the City of Gordon that 232 electors of the city voted in favor of the question of whether the city could impose an additional one-half percent (1/2%) sales and use tax on transactions within the corporate limits of the city for use in the construction, repair and/or maintenance of municipal infrastructure within the city, while 197 electors voted in opposition to the question;

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

SECTION 1. That Section 1-629 of the Gordon Municipal Code is amended and shall be as follows:

SECTION 1-629: SALES TAX

Based upon the approval by a majority of the electors of the City of Gordon, Nebraska voting in a special election held on May 11, 1982 and based upon the approval of a majority of electors of the City of Gordon, Nebraska voting in the primary election held on May 12, 2020, pursuant to the Nebraska Revenue Act of 1967 and the Nebraska Local Option Revenue Act, a sales and use tax of one and one-half percent (1½ %) is imposed within the corporate limits of the city upon the same transactions on which the State of Nebraska is authorized to impose such a tax, and of said amount, 66.6667 % shall be allocated to the Police Department within the general fund and 33.3333% shall be allocated within the general fund for use in the construction, repair and/or maintenance of municipal infrastructure within the city.

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: This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this 11th day of June, 2020.

CITY OF GORDON, NEBRASKA

 /s/ Nancy I Russell

MAYOR

ATTEST:

 /s/ Kim Buchan

CITY CLERK

Motion by Bounous, seconded by Evans to waive 2nd and 3rd readings of Ordinance 1194. Ayes: Russell, Bounous, Evans, and Paul.

Motion by Paul, seconded by Evans to pass Ordinance 1195. Before roll call vote Councilman Bounous stated that he would like to change the amount that would trigger a bid from \$20,000 to \$10,000. After some discussion, motion by Bounous, seconded by Evans to amend Section 1-615 H of Ordinance 1195 to read as follows:

H. The City Council in an effort to allow equity for all vendors and the opportunity to exercise fiscal responsibility with funds, shall advertise for bids on any equipment with a purchase price of \$10,000 or more.

Ayes: Bounous, Evans, Paul, and Russell.

Motion by Evans, seconded by Bounous to pass Ordinance 1195 as amended. Ayes: Evans, Paul, Russell, and Bounous.

ORDINANCE NO. 1195

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 1-615 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA, PROVIDING CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-615 of the Gordon Municipal Code be amended as follows:

SECTION 1-615: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS

A. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the city, no contract costing over \$30,000.00 shall be made for enlargement or general improvements such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, unless it is first approved by the City Council.

B. Except as provided in Neb. Rev. Stat. §18-412.01, before the City Council makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the city engineer and submitted to the council. In advertising for bids as provided herein, the council may publish the amount of the estimate.

C. Advertisements for bids shall be required for any contract costing over \$30,000.00 entered into for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property or for the purchase of equipment used in the construction of such enlargement or general improvements.

D. The advertisement provided for in subsections (B) and (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the city or, if no newspaper has general circulation in the city or county, by posting a written or printed copy thereof in each of three public places in the city at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the City Council and entered of record.

E. If, after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract or if the bids received by the council contain a price which exceeds the estimated cost, the council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

F. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the city, the council may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

G. Any city bidding procedure may be waived by the City Council when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §§81-145 to 81-162 or when the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503 or when required to comply with any federal grant, loan or program.

H. The City Council in an effort to allow equity for all vendors and the opportunity to exercise fiscal responsibility with funds, shall advertise for bids on any equipment with a purchase price of \$10,000 or more.

(Neb. Rev. Stat. §§17-568.01, 17-568.02)

SECTION 2: This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this 11th day of June, 2020.

CITY OF GORDON, NEBRASKA

/s/ Nancy I Russell
NANCY RUSSELL, Mayor

ATTEST:

/s/ Kim Buchan
Kim Buchan, City Clerk

Motion by Bounous, seconded by Paul to waive 2nd and 3rd readings of Ordinance 1195. Ayes: Paul, Russell, Grant, and Bounous.

Motion by Evans, seconded by Paul to pass Resolution 2020-13. Ayes: Russell, Bounous, Evans, and Paul.

RESOLUTION 2020-13

COVID-19: Resolution of the City of Gordon Regarding Use of Municipal Property for Sports or Other Recreational Activities

A Resolution of the **City of Gordon**, Nebraska, Regarding the Risk of Exposure to COVID-19 Through the Use of Municipal Property for Sports or Recreational Activities.

Recitals

WHEREAS, the novel coronavirus, COVID-19, has been declared a worldwide pandemic by the World Health Organization, is extremely contagious, and is believed to spread mainly from person-to-person contact;

WHEREAS, on March 13, 2020, the Governor of the State of Nebraska declared a state of emergency related to COVID-19 within the entire State of Nebraska, and this state of emergency remains in effect;

WHEREAS, directed health measures are in effect for every County in the State of Nebraska through May 31, 2020, and are likely to be extended by the Governor in some form for most or all Counties after May 31, 2020;

WHEREAS, on May 21, 2020, the Governor announced that the directed health measure prohibiting all organized team sports, youth and adult, would be relaxed by the State of Nebraska beginning June 1, 2020, in order to permit the planned reopening of certain adult and/or youth team sports;

WHEREAS, a copy of the *June 1st Statewide Sports Reopening Guidelines* is attached to this Resolution and incorporated herein as part of these Recitals;

WHEREAS, it is anticipated that future guidance from the State of Nebraska will permit additional team sports and other recreational activities;

WHEREAS, players, coaches, officials, and others who participate in such games, practices, or other recreational activities, and spectators who attend such activities risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily entering the municipal property and/or facilities on which such activities take place, by watching such activities, and by participating or authorizing the participation of a minor, in such games, practices, or other recreational activities; and

WHEREAS, it is the intent of the **City of Gordon** to permit the resumption of adult and/or youth team sports and other recreational activities on municipal property and/or facilities, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska, including, but not limited to, the *June 1st Statewide Sports Reopening Guidelines* and such further laws and guidance that may be issued in the future, provided that every individual, organization, or group sponsoring such activities, and all participants and spectators, fully assume the health risks associated with these activities, including the inherent risk now present in any such activities as a result of the presence of COVID-19 in the State of Nebraska, and provided that participants in such activities sign an agreement that releases the **City of Gordon**, its elected and appointed officials and employees, and all other participants in adult and/or youth team sports or other recreational activities from liability associated with exposure to COVID-19 in the course of such activities.

NOW, THEREFORE, BE IT RESOLVED by the **City of Gordon** that any individual, organization or group sponsoring adult and/or youth team sports or other recreational activities that wishes to use the playing or practice fields, courts, grounds, and/or other facilities of the City of Gordon for games, practices, or other recreational activities will be required to enter into the COVID-19: License and Management Agreement for Use of Municipal Property for Sports or Other Recreational Activities attached hereto. These License Agreements will be maintained by the Municipal Clerk and shall constitute an addendum to any other contract, license agreement, lease, or agreement allowing the use of the municipal property and/or facilities of **City of Gordon** by the same individual, organization, or group.

BE IT FURTHER RESOLVED that, in order to enter the playing or practice fields, courts, grounds, and/or other facilities of the **City of Gordon** to participate in games, practices, or other recreational activities, all players, coaches, officials and other participants must sign the agreement titled *COVID-19: Participants Agreement for Sports or Other Recreational Activities* in substantially the same

form as attached hereto. Each team wishing to participate on or use the municipal property and/or facilities of the **City of Gordon** must provide copies of signed *Agreements* for all participants affiliated with the team, together with a roster containing a complete list of the names of all players, coaches, officials, and others affiliated with the team. Copies of these documents must be provided to and shall be maintained by the Municipal Clerk.

BE IT FURTHER RESOLVED that, for the avoidance of doubt as to the risk assumed by participants and spectators, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety, the applicable provisions of the *June 1st Statewide Sports Reopening Guidelines*, shall be posted on all practice and playing fields, courts, grounds, and/or other facilities where adult and/or youth practices and/or games or other recreational activities occur. If the *June 1st Statewide Sports Reopening Guidelines*, are subsequently modified or updated, the applicable provisions of the modified or updated guidelines shall be posted in the same manner.

BE IT FURTHER RESOLVED that all participants and spectators shall comply with all federal, state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by the **City of Gordon** relating to COVID-19 or other safety or hygiene precautions while present on municipal property and/or facilities, understanding that the **City of Gordon** may elect to deny entrance to its playing or practice fields, courts, grounds, and/or other facilities to any non-complying participant or spectator, or to require a non-complying participant or spectator to leave the premises at any time.

BE IT FURTHER RESOLVED that officials and employees of the **City of Gordon** are authorized to execute the directives set forth in this Resolution.

RESOLVED this 11th day of June, 2020.

ATTEST:

By: _____/s/ Nancy I Russell _____, Mayor

By: _____/s/ Kim Buchan _____, Municipal Clerk

Motion by Bounous, seconded by Evans to pass Resolution 2020-14. Ayes: Bounous, Evans, Paul, and Russell.

Resolution 2020-14

WHEREAS, the City of Gordon intends to create an area for the Scott Kernick Memorial Car Show, from **1st and Main to 3rd and Main** on **Saturday, September 26, 2020 from 6:00 am to 6:00 pm**, and

WHEREAS, the City of Gordon will create a detour using the proper signage and using the route provided on the map which is attached to Resolution 2020-14, and

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

WHEREAS, the Main Street (Nebraska Highway 27) roadway from 1st Street to 3rd 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 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 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.

/s/ Nancy I Russell
NANCY I RUSSELL, MAYOR

ATTEST:
/s/ Kim Buchan
KIM BUCHAN, CITY CLERK

The City of Gordon was recognized at the recent ACE Board meeting with a Thermie Award. Gordon made the top three percentage of customer volume growth with ACE. The Public Alliance for Community Energy (ACE) was created to help maintain affordable natural gas by creating market competition. ACE gives a share of profits back to each member community yearly. The funds received by Gordon have helped to fund many departments within the city.

City Manager Glen Spaugh presented council with his manager report. Items contained in the report were:

1. Possible rezoning of properties located on W Highway 20.
2. The possible sale of city owned property on N Spruce Street that is un-utilized due to the well decommissioning project.
3. Progress report on the lien held by the city on 221 N Ash Street.

No action was taken on the items within the manager report.

With no further business, motion by Bounous, seconded by Paul to adjourn at 6:40 pm. Ayes: Evans, Paul, Russell, and Bounous.

 /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 June 11, 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