

May 13, 2021

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 at 6:00 p.m., May 13, 2021 in the Council Chambers of the city auditorium. The Mayor noted the location of the Open Meetings Laws poster.

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

Absent: No One.

Motion by Paul, seconded by Bounous to approve the minutes of the April 8, 2021 meeting. Ayes: Paul, Russell, Grant, Bounous, and Evans.

Motion by Evans, seconded by Grant, to approve the March 2021 Treasurer's Report. Ayes: Russell, Grant, Bounous, Evans, and Paul.

Motion by Bounous, seconded by Evans, to approve the April 2021 Treasurer's Report. Ayes: Grant, Bounous, Evans, Paul, and Russell.

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

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	\$414.78
EFTPS	Fleet Services	SU	\$1,512.32
EFTPS	FNBO	FE	\$352.66
EFTPS	NE Dept of Revenue	RE	\$4,552.69
EFTPS	Xerox	EX	\$488.97
50363	Airport Authority	RE	\$2,930.81
50364	Airport Bond Savings	RE	\$2,406.30
50365	Consolidated Management	SE	\$97.36
50366	Collaborative Summer Libr Prog	SU	\$208.07
50367	Cengage/Gale	SU	\$32.29
50368	Huck's Lazerwash	SE	\$300.00
50369	Ingram	SU	\$370.01
50370	Library Petty Cash	RE	\$49.32
50371	NWRPPD	SE	\$3,335.41
50372	NE Generator Service, LLC	SE	\$1,913.46
50373	Omaha World Herald	SU	\$383.55
50374	Rachael Price	RE	\$105.28
50375	Rachael Ray Magazine	SU	\$20.00
50376	Special Assessment Bond Fund	RE	\$3,727.82

50377	USPS	FE	\$114.00
50378	Xerox	EX	\$105.22
50379	Payroll Fund	SA	\$33,991.15
50380	Consolidated Management	SE	\$182.29
50381	City of Gordon	RE	\$100.00
50382	ND Bismarck Mission	RE	\$100.00
50383	NE Law Enf Training Ctr	SU	\$135.00
50384	Criminal Addiction, Inc	SE	\$300.00
50395	City of Gordon	RE	\$31.03
50396	CNH Capital	SU	\$96.15
50397	Consolidated Management	SE	\$12.68
50398	Joe King	RE	\$68.97
50399	Madison National Life	EX	\$3.45
50400	NE Mosquito Vector Control	FE	\$25.00
50401	Blackhills Energy	SE	\$1,299.50
50402	Sales Tax Infrastructure MM	EX	\$11,304.73
50403	USPS	SE	\$177.98
50404	Verizon	SE	\$80.02
50405	Payroll Fund	SA	\$27,788.41
50408	BC/BS	EX	\$13,773.40
50409	Shelby Colwell	EX	\$16,821.79

Total May Paid Bills

\$129,711.87

UNPAID BILLS

50410	Brewer's Bucket Truck Service	SE	\$1,704.00
50411	Dan Bishop	RE	\$50.00
50412	Bierschbach	SU	\$36.00
50413	Tony Bishop	RE	\$50.00
50414	City of Chadron	EX	\$45.00
50415	Hannah Calkins	RE	\$50.00
50416	Customized Biling	SE	\$240.00
50417	Joe Carr	RE	\$50.00
50418	Display Sales	SU	\$675.75
50419	DAS Acct Services	FE	\$66.00
50420	Emergency Medical Products	SU	\$294.08
50421	JD Financial	SU	\$189.97
50422	Farmer's Coop	SU	\$19.98
50423	Scott Fisher	RE	\$50.00
50424	Fyr-Tek	SE	\$1,638.52
50425	Frontier Service & Supply	SE	\$280.00
50426	GMHS	SE	\$650.00
50427	Great Plains Communications	SE	\$1,619.56
50428	Gall's	SU	\$51.63
50429	Grocery Mart	SU	\$49.65
50430	G/R Public Schools	SU	\$276.00
50431	General Fund Money Market	EX	\$12,000.00
50432	Hinn's Auto Supply	SU	\$247.62
50433	Hinn's Auto Supply	SU	\$225.00
50434	Hillyard	SU	\$1,389.94
50435	Core & Main	SU	\$1,352.99

50436	Clay Heath	RE	\$50.00
50437	Hathorn Construction, LLC	SE	\$500.00
50438	Insurance Fund Money Market	EX	\$13,000.00
50439	Kustom Rock	SU	\$3,000.00
50440	Kone	SE	\$1,829.15
50441	Gardner, Loutzenhiser, & Ryan	SE	\$800.00
50442	Law Enforcement Systems	SU	\$93.00
50443	Brandon Mika	RE	\$50.00
50444	McLeod's	SU	\$167.45
50445	Joe McGough	RE	\$50.00
50446	NPPD	SE	\$5,980.71
50447	NE Total Office	SU	\$25.25
50448	NW Pipe Fittings	SU	\$705.66
50449	NW Community Action	EX	\$192.93
50450	North Central International	SU	\$49.29
50451	Verizon Connect	SE	\$80.95
50452	One-Call Concepts	SE	\$117.76
50453	Sam Piper	RE	\$50.00
50454	Petty Cash Fund	RE	\$85.35
50455	Shane Pascale	RE	\$50.00
50456	Quill	SU	\$42.99
50457	Wyoming 1st Aid Systems	SU	\$142.73
50458	Summit Fire Protection	SE	\$200.00
50459	NE Public Health Env Lab	SE	\$48.00
50460	Glen Spaugh	RE	\$50.00
50461	Dan Sasse	RE	\$50.00
50462	Sheridan County Journal	SE	\$1,357.79
50463	Smith, King, Simmons, & Conn	SE	\$497.50
50464	True Value	SU	\$322.24
50465	Rocky Mountain Air Solutions	SU	\$337.21
50466	Westco	SU	\$2,162.44
50467	Water Reserve Fund	EX	\$2,000.00
50468	Water/Sewer Bond Fund	EX	\$17,200.00
50469	Kevin Wolkins	RE	\$50.00
50470	Keith Wolkins	RE	\$50.00
	Total May Unpaid Bills		\$74,690.09
	Total May Paid Bills		\$129,711.87
	Total May Bills		\$204,401.96

Rachel Lambley was present to request that council approve the closing of N Oak Street from W Third Street to W Fourth Street, and W Fourth Street from N Oak Street to N Pine Street for the Scott Kernick Memorial Car Show. This event is usually held on Main Street, but due to the Highway 27 NDOT project, it is necessary to find an alternate location. She will be using the City Auditorium and the parking lot to the south of the building as well. Councilman Bounous stated that the cars that are currently parked on the city's parking lot will need to be removed. City Manager Spaugh will make contact with the owner and facilitate the removal of the cars. Motion by Bounous, seconded by Paul to approve Rachel Lambley's request to close N Oak Street and W Fourth Street as stated above for the

Scott Kernick Memorial Car Show on September 18, 2021 from 6:00 am to 4:00 pm. Ayes: Evans, Paul, Russell, Grant, and Bounous.

Kayti Schwarting, Craven Feeds, submitted a request to council to close S Elm Street between Antelope Creek and Reina's Welding and the west end of Ross Street for Craven Feed's open house on the evening of June 10, 2021. The surrounding businesses have been contacted and have offered no objection to the closure. Motion by Paul, seconded by Evans to approve Craven Feeds request to close S Elm Street and Ross Street as stated above on June 10, 2021 after 5:00 pm. Ayes: Paul, Russell, Grant, Bounous, and Evans.

Chrissy Land, Community Forester, NE Forest Service, was present to review with council the proposed ordinance creating a Tree Board for the City of Gordon. Having the board will open the city to increased grant opportunities for the "community forest". Information was also given to council to aid them in the selection of the board members, if the ordinance is passed. After some discussion, motion by Bounous, seconded by Grant to pass Ordinance 1203. Ayes: Russell, Grant, Bounous, Evans, and Paul.

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1203**

AN ORDINANCE TO AMEND CHAPTER 2, 'BOARDS AND PUBLIC FACILITIES' TO CREATE AND ASSIGN THE CONTENT OF ARTICLE 13 TO A TREE BOARD; REASSIGNING ARTICLE 14 AS THE PENAL PROVISION, AND AN EFFECTIVE DATE.

Section 1. Chapter 2, Article 13 of the Municipal Code of Gordon, Nebraska is hereby revised and amended as follows:

Article 13- TREE BOARD

13-1001: CREATION AND ESTABLISHMENT OF TREE BOARD

The City Council may create and establish a Tree Board for the City. In the event the Board is created, it shall consist of seven members, with at least one such member being a representative from the City of Gordon. A representative of the City of Gordon shall be defined as such agent, representative or employee of the City as may be assigned to that position by the City Council. Such members shall live, work or own property within ten (10) miles of the corporate limits of the City of Gordon. The Board members shall be approved by the City Council.

13-1002: DEFINITIONS

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways with the City.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the City or to which the public has free access as a park.

"Private community forest" is herein defined as all trees within city boundaries but not owned by the City.

"Public community forest" is herein defined as all street and park trees owned by the City as a total resource.

13-1003: TERM OF OFFICE

The terms of the board members who have been approved by the City Council shall be three years and their terms shall be staggered. In the event that a vacancy should occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term. ▫

13-1004: COMPENSATION

Members of the Tree Board shall serve without compensation.

13-1005: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive City Tree Plan. The Tree Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work with regard to, but not limited to, any of the following matters, (1) species of trees to be planted, (2) spacing of trees, (3) distance of planting from curb and sidewalk, (4) distance from street corners, curbs, curblines or fire hydrants, (5) recommendations for care and maintenance of public trees, including watering, pruning, tree topping, removal of dead, diseased or nuisance causing trees, and (6) any other matter, question or issue which may facilitate the duties and responsibilities of this Board.

13-1006: OPERATION

The Tree Board shall choose its own officers, which shall include a Chairman, Senior Vice-Chairman and Secretary. The Tree Board shall make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

13-1007: UTILITIES

No trees, other than small trees which will not exceed the standard height of an overhead utility line, may be planted pursuant to this Article under or within ten feet of any overhead utility wire. Trees planted pursuant to this article should not be planted within ten lateral feet of any underground water line, sewer line, transmission line or other utility.

13-1008: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

1. All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service. Such notice shall allow the said owner 60 days to remove the said tree or trees. ▫

2. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation or by certified mail if the name and address are known. The person

charged with the removal may enter into an agreement with the City that such work be accomplished by the City and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement or to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law. □

3. In the event the property owner is a non-resident of the county in which the property lies, before levying any special assessment against that property the City shall send to the last known address of the non-resident property owner, by certified mail, return receipt requested, a copy of any notice required by law to be published. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. □

Section 2. Chapter 2, Article 14 of the Municipal Code of Gordon, Nebraska is hereby revised and amended as follows:

Article 14 – Penal Provision

14-1401: VIOLATION; PENALTIES

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

Section 3. This ordinance shall become effective on the date of passage.

PASSED AND APPROVED AND ORDERED PUBLISHED this 13^h day of May, 2021.

NEBRASKA

CITY OF GORDON,

Russell

/s/ Nancy

RUSSELL, Mayor

NANCY

ATTEST:

/s/ Kim Buchan

KIM BUCHAN, CITY CLERK

Motion by Bounous, seconded by Evans to waive 2nd and 3rd readings of Ordinance 1203. Ayes: Grant, Bounous, Evans, Paul, and Russell.

The Gordon City Council passed Resolution 2021-02 in February directing the sale of city owned property commonly known as the empty lots on the southwest corner of E Fourth and N Elm Streets. All conditions of the Resolution have been met, and Ordinance 1204 will finalize the sale. Motion by Evans, seconded by Paul to pass Ordinance 1204. Ayes: Bounous, Evans, Paul, Russell, and Grant.

**CITY OF GORDON, NEBRASKA
ORDINANCE 1204**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA CONFIRMING THE SALE OF REAL ESTATE TO THE GORDON COMMUNITY DEVELOPMENT CORPORATION, TO-WIT: Lots 1 & 2, Willow Tree Plaza Subdivision, Gordon, Sheridan County, Nebraska, AND CONFIRMING THE PURCHASE OF REAL ESTATE FROM THE GORDON COMMUNITY DEVELOPMENT CORPORATION, TO WIT: Lots 1 & 2, Block 3, Industrial Subdivision #1, Gordon, Sheridan County, Nebraska;

WHEREAS, the City of Gordon, Nebraska owns real estate specifically described below and which are undeveloped, vacant lots:

Lots One (1) and Two (2) Willow Tree Plaza Subdivision, Gordon, Sheridan County, Nebraska.

WHEREAS, the Gordon Community Development Corporation owns real estate specifically described below, which are currently utilized as the "Bay Street Ballfields," and which are adjacent to other real estate owned by the City of Gordon, Nebraska:

Lots One (1) and Two (2), Block Three (3), Industrial Subdivision #1, Gordon, Sheridan County, Nebraska

WHEREAS, on the 1 Ith day of February, 2021, Resolution 2021-02 was passed and approved by the City of Gordon, Nebraska, wherein the city offered to sell the above described undeveloped vacant lots to the Gordon Community Development Corporation, and the City of Gordon offered to buy real estate owned by the Gordon Community Development Corporation known as the "Bay Street Ballfields," and where both transactions were proposed at the purchase price of \$5000.00;

WHEREAS, following the passage of Resolution 2021-2 directing the sale and purchase of the above described property, Notice of the foregoing Resolution and proposed sales transactions was published in the Sheridan County Journal Star, a newspaper of general circulation in Sheridan County, Nebraska, for three successive weeks, with the first publication occurring on February 17, 2021;

WHEREAS, since publication of Resolution 2021-2, no petitions in remonstrance have been filed in opposition to such sales transactions;

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

Section 1. That the City of Gordon approves and directs sale of the below described real estate to the Gordon Community Development Corporation, for the agreed purchase price of \$5,000.00:

Lots One (1) and Two (2) Willow Tree Plaza Subdivision, Gordon, Sheridan County, Nebraska

Section 2. That the City of Gordon approves and directs the purchase of real estate described below from the Gordon Community Development Corporation, for the agreed purchase price of \$5,000.00:

Lots One (I) and Two (2), Block Three (3), Industrial Subdivision #1, Gordon, Sheridan County, Nebraska

Section 3. Each of the above described sales are to be made "as is" without warranty or guarantee and by legal description only. Neither Seller or Buyer shall make any guarantee as to any easements,

reservations or other interests, and both real estate sale transactions are contingent upon full and final settlement and closing of both sales.

Section 4. The Mayor and City Clerk are hereby authorized and empowered to execute and deliver a Warranty Deed to the Gordon Community Development Corporation, as Buyer, on behalf of the City of Gordon, as Seller, for the following described property and for the agreed purchase price of \$5000.00:

Lots One (1) and Two (2) Willow Tree Plaza Subdivision, Gordon, Sheridan County, Nebraska.

Section 5. The Mayor and City Clerk, on behalf of the City of Gordon, as Buyer, are hereby authorized and empowered to execute any necessary documents and to accept and receive a Warranty Deed from the Gordon Community Development Corporation, as Seller, for the following described property and for the agreed purchase price of \$5000.00:

Lots One (1) and Two (2), Block Three (3), Industrial Subdivision #1, Gordon, Sheridan County, Nebraska

ADOPTED AND PASSED BY THE CITY COUNCIL OF GORDON, NEBRASKA this 13th day of May, 2021.

CITY OF GORDON, NEBRASKA

ATTEST:

Kim Buchan
City Clerk

/s/ Nancy Russell
NANCY RUSSELL, Mayor

Motion by Grant, seconded by Evans to waive 2nd and 3rd readings of Ordinance 1204. Ayes: Evans, Paul, Russell, Grant, and Bounous.

Public Works Director Dan Bishop is requesting that council pass Resolution 2021-05 raising the rates at the Gordon Cemetery. The rates have not been increased since 2013. Motion by Paul, seconded by Grant to pass Resolution 2021-05. Ayes: Paul, Russell, Grant, Bounous, and Evans.

RESOLUTION 2021-05

A RESOLUTION ESTABLISHING NEW RATES FOR SERVICES AT THE GORDON CEMETERY.

WHEREAS, the City Council has passed and adopted Ordinance #483 pertaining to codification of the ordinances of the City of Gordon, and

WHEREAS, it is necessary to set certain rules, regulations, and fees to coincide with Ordinance #483, and

WHEREAS, the costs the City of Gordon incurs to provide services for the Gordon Cemetery have increased in past years.

NOW, THEREFORE, BE IT RESOLVED that the following rates for the Gordon Cemetery are established effective May 19, 2021, upon passage and publication of Resolution 2021-05.

OLD SECTION:

Half Lot (2 burials)	\$100 + \$200 perpetual care
Full Lot (4 burials)	\$200 + \$400 perpetual care
Single Burial Space	\$ 75 + \$150 perpetual care
Filing Fee with County	\$ 16

NEW SECTION:

Half Lot (2 burials)	\$100 + \$200 perpetual care
Monument Base (Half Lot)	\$300
Full Lot (4 burials)	\$200 + \$400 perpetual care
Monument Base (Full Lot)	\$600
Filing Fee with County	\$ 16

Sale of single burial spaces in the new section of the cemetery must have pre-approval of the Gordon Cemetery Sexton and the Gordon City Manager.

GRAVE OPENING & CLOSING FEES:

Infant Grave (Under 2 Years of Age)	\$200
Small Grave	\$300
Large Grave	\$450
Cremation	\$200
Frost Removal	\$100
Snow Removal	\$100
Windbreak/Tent	\$ 50
Equipment Setup	\$ 50

There will be no funerals on Saturday afternoons, Sundays, or holidays.

Funerals held on Saturday morning must have approval of the Gordon Cemetery Sexton and the Gordon City Manager.

Funerals held on Saturday and disinterment will be billed at 1 ½ times the regular rate.

PASSED AND APPROVED THIS 13TH DAY OF MAY, 2021.

/s/ Nancy Russell
Mayor

ATTEST:

/s/ Kim Buchan
City Clerk

The City of Gordon’s on-call policy is outdated now that the Utilities Section is separate from the Public Works section. Resolution 2021-06 will resolve the outdated policy. Motion by Grant, seconded by Evans to pass Resolution 2021-06. Ayes: Russell, Grant, Bounous, Evans, and Paul.

RESOLUTION NO. 2021-06

RESOLUTION AMENDING SECTION 8.09 ON CALL, SUBSECTION “WORK CONDITIONS AND EXPECTATIONS” OF THE EMPLOYEE HANDBOOK

WHEREAS: the City recognizes the need for the Public Works Department employees to be available to assist with funerals and other duties outside of normal hours of operation, and

WHEREAS, the required tasks may involve extra hours being worked on Saturdays, and

WHEREAS: the current on-call policy for the Utilities Department allows for overtime pay when working a weekend shift, but does not include a policy for the Public Works Department when working a weekend shift.

THEREFORE BE IT RESOLVED, that Section 8.09 of the City of Gordon Employee Handbook shall be amended to read, the Public Works Department may be required to work on a weekend to assist with a funeral or other unanticipated issue. In this case, the employee(s) working during that weekend period will be compensated at their overtime rate, for the hours worked, even though they may not have worked a total of forty (40) hours for the week.

This resolution was introduced and adopted this 13th day of May, 2021, by the City Council of the City of Gordon.

SIGNED:

/s/ Nancy Russell

Mayor

ATTEST:

/s/ Kim Buchan

City Clerk

The Gordon Golf Club has finalized the agreement with the Rosanes allowing them to purchase the Golf Course from Shelley and Daneen Anderson. The City of Gordon is now allowed to exercise their first right of refusal. Motion by Paul, seconded by Evans to pass Resolution 2021-07. Ayes: Grant, Bounous, Evans, Paul, and Russell.

RESOLUTION NO. 2021-07

A RESOLUTION EXERCISING THE FIRST RIGHT OF REFUSAL FOR THE GORDON GOLF COURSE & COUNTRY CLUB.

WHEREAS: the Gordon Golf Course & Country Club has been offered to Kim Rosane, Nick Rosane and Matt Rosane, hereinafter Rosane. and

WHEREAS, the current owner Shelley and Daneen Anderson are required by the present agreement to give the first right of refusal to the Gordon Golf Club and the City of Gordon, prior to the completion of transfer of ownership, and

WHEREAS, the Gordon Golf Club is negotiating an agreement which was presented to Rosane.

WHEREAS, the Gordon City Council intends to waive the first right of refusal,

THEREFORE, BE IT RESOLVED, that the Gordon City Council is waiving the first right of refusal to reacquire the property and the Council agrees to the terms written in the agreement between the Gordon Golf Course and Country Club and Rosane.

This resolution was introduced and adopted this 13th day of May, 2021, by the City Council of the City of Gordon.

SIGNED:

/s/ Nancy Russell
Mayor

ATTEST:

/s/ Kim Buchan
City Clerk

The Sheridan County Fair and Rodeo Parade is scheduled for July 31, 2021. The Fair Board has been contacted regarding the NDOT Highway 27 project, and the need for an alternate route. Members of the Fair Board will be working with Street Superintendent Dan Bishop to create an alternate route in the event that the project is not done or the State of Nebraska denies the parade permit. Motion by Evans, seconded by Bounous to pass Resolution 2021-08. Ayes: Bounous, Evans, Paul, Russell, and Grant.

Resolution 2021-08

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 31, 2021 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 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/ Nancy Russell
NANCY RUSSELL, MAYOR

ATTEST:

/s/ Kim Buchan
KIM BUCHAN, CITY CLERK

The Gordon/Rushville High School is requesting a parade permit for the G/R Homecoming Parade for September 15, 2021 with an alternate date of September 17, 2021. Officials from G/R High School have been contacted regarding the possibility of the the NDOT Highway 27 project not being completed or the possible denial of the parade permit by the State of NE. Motion by Evans, seconded by Paul to pass Resolution 2021-09. Ayes: Evans, Paul, Russell, Grant, and Bounous.

RESOLUTION NO. 2021-09

WHEREAS, the City of Gordon intends to create a parade route from 1ST Street and Main Street to 3rd Street and Main Street, for the Gordon/Rushville High School Homecoming Parade, Wednesday, September 15, 2021 with an alternate date of Friday, September 17, 2021, from 1:00 pm to 3:00 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 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 to the Nebraska Department of Roads 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.

/s/ Nancy Russell
NANCY I RUSSELL, MAYOR

ATTEST:

/s/ Kim Buchan
KIM BUCHAN, CITY CLERK

Rescue Squad Chief Misty Belsky and Assistant Chief Marchelle Paul were present to request that the city council raise the rates charged by the Gordon Volunteer Rescue Squad for their services. Chief Belsky explained that rates were raised last year, but the squad is trying to raise them in steps so that they come into line with surrounding communities. Motion by Paul, seconded by Bounous to pass Resolution 2021-10. Ayes: Paul, Russell, Grant, Bounous, and Evans.

RESOLUTION 2021-10

A RESOLUTION INCREASING THE RATES CHARGED FOR THE LEVELS OF SERVICE PROVIDED BY THE GORDON VOLUNTEER RESCUE SQUAD.

