

August 12, 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., August 12, 2021 in the Council Chambers of the City Auditorium. The Vice-Mayor noted the location of the Open Meetings Laws poster in the back of the room.

Vice-Mayor Grant swore in newly appointed Council Member Alyssa Dehart.

Present: Grant, Bounous, Evans, and Dehart.

Absent: Russell.

Motion by Evans, seconded by Bounous to approve the minutes of the July 8, 2021 meeting. Ayes: Grant, Bounous, and Evans. Abstain: Dehart.

Motion by Bounous, seconded by Evans to approve the minutes of the July 29, 2021 special meeting. Ayes: Bounous, Evans, and Grant. Abstain: Dehart.

Motion by Evans, seconded by Bounous to approve the June 2021 Treasurer's Report. Ayes: Evans, Dehart, Grant, and Bounous.

Motion by Bounous, seconded by Evans to approve the July 2021 Treasurer's Report. Ayes: Dehart, Grant, Bounous, and Evans.

Motion by Bounous, seconded by Evans to approve the bills. Ayes: Grant, Bounous, and Evans. Abstain: Dehart.

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	Fleet Services	SU	\$1,285.37
EFTPS	FNBO	FE	\$358.00
EFTPS	NE Dept of Revenue	RE	\$4,793.36
EFTPS	NE State Fire Marshall	SE	\$61.00
INS1104	Ball Insurance	EX	\$1,997.52
50583	Payroll Fund	SA	\$40,926.77
50720	Gordon Community Dev Corp	EX	\$5,000.00
50721	Airport Authority	RE	\$314.53
50722	Airport Bond Savings	RE	\$257.71
50723	Consolidated Management	SE	\$138.09
50724	DAS State Accounting	FE	\$66.00
50725	Scott Fleming	RE	\$50.00
50726	Cengage/Gale	SU	\$66.28
50727	General Fund MM	EX	\$134,599.18

50728	Health Magazine	SU	\$13.87
50729	Ingram	SU	\$192.77
50730	Library Petty Cash	RE	\$50.04
50731	NWRPPD	SE	\$6,286.25
50732	Perpetual Care Fund	RE	\$400.00
50733	Sheridan County Clerk	FE	\$16.00
50734	Special Assessment Bond Fund	RE	\$394.81
50735	Senior Services Inc	FE	\$3,256.83
50736	Xerox	EX	\$220.12
50737	Payroll Fund	SA	\$42,352.76
50738	Consolidated Management	SE	\$60.43
50739	Open Range Beef	RE	\$100.00
50740	DAS State Accounting	SE	\$224.00
50741	Madison Natl Life	EX	\$65.55
50742	BH Energy	SE	\$310.00
50743	Sales Tax MM	EX	\$15,586.90
50744	USPS	FE	\$175.57
50745	Verizon	SE	\$80.02

Total August Paid Bills

\$259,699.73

UNPAID BILLS

50747	Brewer's Bucket Truck	SE	125.00
50748	Buchheit Precision	SE	\$500.06
50749	Dan Bishop	RE	\$50.00
50750	The Business Connection	EX	\$558.23
50751	BC/BS	EX	\$13,773.40
50752	Tony Bishop	RE	\$50.00
50753	Consolidated Management Co	SE	\$155.32
50754	Customized Billing	SE	\$270.00
50755	Croell	SU	\$2,334.64
50756	Crescent Electric	SU	\$77.33
50757	Hannah Calkins	RE	\$50.00
50758	Joe Carr	RE	\$50.00
50759	DAS State Accounting	SE	\$66.00
50760	Emergency Medical Products	SU	\$1,286.92
50761	First National Bank of Omaha	SU	\$1,418.54
50762	JD Financial	SU	\$469.98
50763	Scott Fisher	RE	\$50.00
50764	Scott Fleming	RE	\$50.00
50765	VOID	VD	\$0.00
50766	GMHS	SE	\$200.00
50767	Great Plains Communications	SE	\$388.82
50768	Greenamyre Contractor	SE	\$1,375.00
50769	General Fund Money Market	EX	\$12,000.00
50770	Hinn's Auto Supply	SU	\$641.02
50771	Homestead Building Supply	SU	\$26.99
50772	Rylan Heesacker	SE	\$200.00
50773	Clay Heath	RE	\$50.00

50774	Clay Heath	RE	\$207.42
50775	Susan Cotant	SU	\$160.00
50776	Insurance Fund Money Market	EX	\$13,000.00
50777	Iowa Pump Works	SU	\$262.19
50778	Kustom Rock	SE	\$450.00
50779	Kyle Kruger	RE	\$1,150.00
50780	KONE	SE	\$289.00
50781	Gardner, Loutzenhiser, & Ryan	SE	\$800.00
50782	Midwest Pyrotechnics	SE	\$10,000.00
50783	Brandon Mika	RE	\$50.00
50784	Mid-American Research Chem	SU	\$360.00
50785	Municipal Supply, Inc	SU	\$62.00
50786	Joe McGough	RE	\$50.00
50787	NPPD	SE	\$8,787.52
50788	NE Total Office	SU	\$271.88
50789	NWRPPD	SE	\$5,455.59
50790	NW Pipe Fittings	SU	\$680.28
50791	Verizon Connect	SE	\$80.95
50792	NE Municipal Clerks Assoc	FE	\$70.00
50793	NE Rural Water	FE	\$200.00
50794	One-Call Concepts	SE	\$43.80
50795	Pioneer Athletics & MTP	SU	\$269.50
50796	Powerplan	SE	\$7,899.59
50797	Sam Piper	RE	\$50.00
50798	Petty Cash Fund	RE	\$130.89
50799	Panhandle Sales & Service	SE	\$216.00
50800	Shane Pascale	RE	\$50.00
50801	Panhandle Area Devel Distr	FE	\$1,249.45
50802	Quill	SU	\$11.29
50803	Reina's Welding	SE	\$162.50
50804	Sargent Drilling Co	SE	\$2,554.70
50805	Southpaw Spray	SE	\$827.50
50806	NE Public Health Env Lab	SE	\$258.00
50807	Glen Spaugh	RE	\$50.00
50808	Dan Sasse	RE	\$50.00
50809	Sheridan County Journal	SE	\$448.51
50810	Smith, King, Simmons, & Conn	SE	\$1,439.07
50811	True Value	SU	\$412.40
50812	Triangle Electric	EX	\$4,017.76
50813	Utilities Section - LNM	FE	\$686.00
50814	Westco	SU	\$2,237.13
50815	Water Reserve Fund	EX	\$2,000.00
50816	Water/Sewer Bond Fund	EX	\$17,200.00
50817	Kevin Wolkins	RE	\$50.00
50818	Keith Wolkins	RE	\$50.00
50819	GMHS	SE	\$2,262.95

Total August Unpaid Bills \$123,231.12

Total August Paid Bills \$259,699.73

Total August Bills \$382,930.85

At the July council meeting, the council voted to hire Rescue Chief Misty Belsky as a full time Administrative Assistant for the Rescue Squad. Ordinance 1206 will officially create this position. Motion by Bounous, seconded by Evans to pass Ordinance 1206. Ayes: Bounous, Evans, Dehart, and Grant.

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1206**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA ENACTING AND ESTABLISHING SECTION 8-210 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA, CREATING A FULL-TIME ADMINISTRATIVE EMPLOYEE POSITION FOR THE GORDON RESCUE SQUAD; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND AN EFFECTIVE DATE.

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

SECTION 1. That Section 8-210 of the Gordon Municipal Code be enacted and established as follows:

SECTION 8-210: ADMINISTRATIVE EMPLOYEE POSITION AUTHORIZED

The City Council may authorize the establishment of an administrative employee position to fulfill certain administrative duties and responsibilities of the Rescue Squad. The City Council shall have the discretion to establish such terms and conditions of employment for the position as it may, from time to time, direct. The City Council shall establish such duties and responsibilities for the administrative employee position as it deems appropriate, and such duties and responsibilities may include, but are not limited to, record keeping, submission of reports, billing, budgeting and any other administrative responsibility established by the City Council.

SECTION 2: This ordinance shall be published pursuant to law.

SECTION 3: This ordinance shall be in full force and effect from and after it's approval, passage, and publication according to law.

PASSED AND APPROVED this 12th day of August, 2021.

CITY OF GORDON, NEBRASKA

/s/ Kelly Grant
KELLY GRANT, Vice-Mayor

ATTEST:

/s/ Kim Buchan
Kim Buchan, City Clerk

Motion by Evans, seconded by Dehart to waive 2nd and 3rd readings of Ordinance 1206. Ayes: Evans, Dehart, Grant, and Bounous.

City Manager Spaugh has been working with City Attorney Jamian Simmons to draft Ordinances 1207 & 1208. These ordinances have been drafted in response to the increasing number of complaints received from Gordon business owners and citizens. Lt Joe McGough was present and stated to council that he and the other Gordon Police Department Officers have daily issues with panhandling and that the panhandlers are becoming more aggressive. The current city ordinances are very vague and do not aid the Police Department in the effort to stop these ongoing issues. Motion by Dehart, seconded by Bounous to pass Ordinance 1207. Ayes: Dehart, Grant, Bounous, and Evans.

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1207**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA WHICH PROHIBITS AGGRESSIVE PANHANDLING WITHIN THE JURISDICTION OF THE CITY.

RECITALS

WHEREAS, the City of Gordon, Nebraska desires to protect both resident and non-residents from aggressive panhandling within the jurisdiction of the City, and

WHEREAS, in an effort to establish regulations on the practice of panhandling within the City of Gordon;

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

Chapter 3, Article 1, Section 3-122 of the Ordinances of the City of Gordon, is hereafter enacted to read as follows:

AGGRESSIVE PANHANDLING

It shall be unlawful for any person(s) to engage in an act of panhandling for the solicitation of money or items of value from another person in an aggressive manner.

A. Panhandling is defined as the solicitation of money or other items of value which shall include, but shall not be limited to, verbal or nonverbal words or acts, or other actions or bodily gestures, conducted for the purpose of obtaining, directly or indirectly, a donation from another person.

B. A person's manner is considered to be aggressive if they are engaged in any of the following:

1. Panhandling a person at an automated teller machine or other cash dispensing location in which the persons involved are 15 feet or closer to each other;

2. There is repeated panhandling requests after a person has refused, ignored or declined the request from the panhandler;

3. There is repeated panhandling requests when the person being solicited is stationary, in a line, or stopped in traffic;

4. When the person being solicited is touched without consent, prior to, during, or after the panhandling request;

5. Any panhandling on private property without permission from the owner;

6. Any panhandling while blocking the path of the person being solicited or blocking the entrance to any building or vehicle; or

7. Following behind, alongside, or ahead of the person solicited after the panhandling solicitation has been refused, ignored or declined.

C. Any person who shall violate or refuse to comply with the enforcement of this section shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to a fine of \$500.00.

This ordinance shall become effective on the date passage.

PASSED AND APPROVED AND ORDERED PUBLISHED this 12th day of August, 2021.

CITY OF GORDON, NEBRASKA

/s/ Kelly Grant

KELLY GRANT, Vice-Mayor

ATTEST:

/s/ Kim Buchan

Kim Buchan, City Clerk

Motion by Evans, seconded by Dehart to waive 2nd and 3rd readings of Ordinance 1207. Ayes: Grant, Bounous, Evans, and Dehart.

Motion by Dehart, seconded by Bounous to pass Ordinance 1208. Ayes: Bounous, Evans, Dehart, and Grant.

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1208**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING ORDINANCE 3-121 TO INCLUDE A DEFINITION OF DISORDERLY ASSEMBLY WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY;

RECITALS

WHEREAS, the City of Gordon, Nebraska desires to expand the regulations and definitions of the disorderly conduct from person to include two or more persons,

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

Chapter 3, Article 1, Section 3-121 of the Ordinances of the City of Gordon, is hereafter amended as follows:

DISORDERLY ASSEMBLIES

A. It shall be unlawful for two or more persons to assemble and engage in conduct which threatens the public peace or safety through fighting or violent or threatening behavior, loud or profane language, unreasonable noise, obstructive of vehicular or pedestrian traffic or by littering or breakage.

B. Any disorderly assembly of persons is prohibited and the police department or any law enforcement agency and officer shall have the authority to disperse those persons and to require them to remove themselves from the place of assembly. Any person participating in disorderly assembly who fails or refuses to disperse or vacate the location after having been instructed to do so by a law enforcement officer shall be guilty of disorderly assembly in violation hereof and the individual found guilty as such shall be subject to the penalties listed in this section.

C. Any other ordinance or section passed and approved prior to passage, approval and publication or posting of this amendment and is in conflict with its provision is repealed.

D. Any person who shall violate or refuse to comply with the enforcement of this section shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to a fine of \$500.00.

This ordinance shall become effective on the date passage.

PASSED AND APPROVED AND ORDERED PUBLISHED this 12th day of August, 2021.

CITY OF GORDON, NEBRASKA

/s/ Kelly Grant

KELLY GRANT, Vice-Mayor

ATTEST:

/s/ Kim Buchan

Kim Buchan, City Clerk

Motion by Evans, seconded by Dehart to waive 2nd and 3rd readings of Ordinance 1208. Ayes: Evans, Dehart, Grant, and Bounous.

City officials are continuing their ongoing efforts to clean up the abandoned and nuisance properties in Gordon. Resolution 2021-13 is the first step to bring one such nuisance property into compliance. Further steps will be taken if the property owner does not mitigate the nuisances on this property. Motion by Bounous, seconded by Dehart to pass Resolution 2021-13. Ayes: Dehart, Grant, Bounous, and Evans.

RESOLUTION 2021-13

A RESOLUTION OF THE CITY OF GORDON, NEBRASKA FINDING THE BUILDING AND PROPERTY OF 324 N. SPRUCE STREET TO BE A DANGEROUS BUILDING AND NUISANCE; DIRECTING NOTIFICATION TO THE RECORD OWNER OR OCCUPANT; PROVIDING DESCRIPTION OF BUILDING DEEMED UNSAFE OR DANGEROUS; AND ORDER THAT SUCH RESOLUTION BE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS.

WHEREAS, BY ORDER OF THE Board of Health of the City of Gordon on November 17, 2020, and pursuant to an inspection of the premises conducted by the City of Gordon building inspector/city manager on May 25, 2021, pursuant to Gordon City Ordinance §3-605, the city council in and for Gordon, Nebraska hereby finds that the house and property located at 324 N. Spruce is a dangerous building and a nuisance;

NOW THEREFORE BE IT RESOLVED THAT that pursuant to Gordon City Ordinance §3-605, the City Council of the City of Gordon, Nebraska hereby finds and declares the house and property of 324 N. Spruce St. Gordon, Nebraska 69343 is found to be an unsafe and dangerous building and to be a public nuisance for the following reasons:

- a. Residence has been unoccupied for over 20 years and is showing extreme signs of deterioration;
- b. Holes are located in several sections of the roof which appears to be collapsing in locations;
- c. Cracking of foundation and sections of walls;
- d. Doors and windows are broken and/or unsecured allowing entry by birds, animals, or persons;
- e. House is dangerous to the public health due to its condition and risks injury to persons entering the premises;
- f. House lacks proper repair and is especially liable to fire, and constitutes or creates a fire hazard and/or is liable to cause injury or damage by collapse of all or any part of the building.
- g. The house and property are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the City of Gordon because of its condition;
- h. Miscellaneous trash, litter, debris and accumulated material or personal property is strewn throughout the property;
- i. overgrowth of miscellaneous grass, brush or other worthless vegetation which is over 12 inches in height is located throughout the property;

BE IT FURTHER RESOLVED that the owner and/or occupant of the building shall be given 30 days from the date notice is provided to the owner and/or occupant of the need for them to remove or remedy all violations listed in this Resolution; Said notice shall be provided to the owner and/or occupants of the premises by the City Attorney;

BE IT FURTHER RESOLVED that an employee of the City is hereby directed to place a sign on the building located at 324 N. Spruce, Gordon, Nebraska 69343 setting forth the determination that the building is unsafe or dangerous for occupancy and/or use; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be recorded in the office of the Sheridan County Register of Deeds, and no fee shall be charged for such recording, pursuant to Gordon City Ordinance 3-605(D) and Neb.Rev.Stat. §18-1722.01. Said Resolution shall be recorded against the following described real estate:

Lot Two (2), Block Thirty (30), Original Town of Gordon, Sheridan County, Nebraska

Adopted and passed by the City Council of Gordon, Nebraska this 12th day of August, 2021.

/s/ Kelly Grant

Vice-Mayor

ATTEST:

/s/ Kim Buchan

City Clerk

Motion by Evans, seconded by Dehart to approve the Airport Authority Preliminary Tax Request in the amount of \$15,000. Ayes: Grant, Bounous, Evans, and Dehart.

Barb Baker was present to address the council regarding the speed limit on Main Street. At the intersection of N Main and 4th Street, the speed limit increases to 35 mph as you are traveling north. Ms. Baker feels that the speed limit is too high and that many drivers are traveling much faster than the posted speed limit. She is requesting that council work with the State of Nebraska Department of Transportation (NDOT) to get the speed limit lowered. She is also requesting that the Gordon Police Department monitor the traffic on N Main Street so that they can issue speeding tickets to the violators. After some discussion, motion by Evans, seconded by Bounous to have City Manager Spaugh request that the NDOT do a speed study on Main Street (Highway 27) and request that they put a speed radar sign on Main Street between 4th and 10th Streets. Ayes: Bounous, Evans, Dehart, and Grant.

Joe Headrick was present to address the council regarding his concern about the lack of participation by youth in local government. He asked council to consider creating honorary council positions for elementary and middle school students. No action was taken on this agenda item.

Charlie Schwaderer was not present to discuss utility penalties with the council.

City Manager Spaugh presented council with the information regarding membership with the newly formed Gordon Chamber of Commerce. The new Chamber of Commerce has put several checks and balances in place to prevent the recurrence of the former financial issues. After some discussion, motion by Bounous, seconded by Evans to allow the City of Gordon to become a member of the Gordon Chamber of Commerce. Ayes: Evans, Dehart, Grant, and Bounous.

Motion by Evans, seconded by Bounous to appoint City Manager Glen Spaugh as the Primary Representative and Vice-Mayor Kelly Grant as the Alternate Representative to the Panhandle Area Development District Board. Ayes: Dehart, Grant, Bounous, and Evans.

Motion by Evans, seconded by Bounous to approve the application made by Cassie Banks, DNP for the Gordon Volunteer Rescue Squad, and to thank her for her service to the community. Ayes: Grant, Bounous, Evans, and Dehart.

Rescue Chief Misty Belsky was present to ask the council to terminate the contract with Customized Billing (the current ambulance billing company) and to enter into a new contract with PCC Ambulance Billing Service. Chief Belsky presented council with a comparison of the current company to PCC. PCC is an "aggressive" billing company and they do not get paid unless they collect money. The current rate they charge is 8-10%. After some discussion, motion by Bounous, seconded by Evans to terminate the contract with Customized Billing Services and give the company the 60-day notice required by the contract. Ayes: Bounous, Evans, Dehart and Grant.

Motion by Dehart, seconded by Evans to allow City Manager Spaugh to sign a new contract with PCC Ambulance Billing Service. Ayes: Evans, Dehart, Grant, and Bounous.

Council was given one FYI item – Councilperson Alyssa Dehart has submitted her resignations to the Gordon Planning Commission and the Perpetual Care Board. According to City of Gordon Municipal Code, a council member may not hold a seat on any other City of Gordon board.

City Manager Spaugh presented council with his August Manager’s Report. No action was taken on any items in the Manager’s Report. The items were:

1. Tree Board Update – members are currently attending a virtual training, once-a-month, titled “Tree Board Excellence Series”. Upcoming items for the board to discuss is the cost of replacing the tree grates. The estimated cost for just the grates is \$1,050, or more, per tree.
2. Insurance Bids – the city has currently received responses from three insurance companies. They will give their presentations at the October 14 council meeting and the bid will be awarded at the November 11 meeting.
3. The Budget workshop will be August 26 with the budget adoption on September 9 at a special hearing prior to the council meeting.
4. Elevator contract – the contract with KONE expires September 30. City Manager Spaugh has signed a contract with O’Keefe Elevator from Omaha. The cost is estimated at a third of what was being paid to KONE.
5. American Rescue Plan Act – the guidelines for expending these funds are still being researched.
6. Swimming Pool – the season is coming to an end. As the lifeguards return to school, the hours of operation will continue to shorten.

Joe Headrick was the only one present to speak during the Public Comments agenda item. His concern was regarding the right to defend yourself in the State of Nebraska. No action was taken by the council.

With no further business, motion by Bounous, seconded by Paul to adjourn at 7:35 pm. Ayes: Dehart, Grant, Bounous, and Evans.

/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 August 12, 2021; 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