

McCook City Council  
September 4, 2018  
6:30 PM Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers. Present: Mayor Gonzales, Councilmembers Calvin, McDowell, Weedon.

Absent: Councilmember Hepp.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Library Director Crocker, Utilities Director Dutcher, Water Superintendent Fawver, Fire Chief Harpham, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 30, 2018, the designated method of giving notice, a copy of the proof of publication being attached to these minutes. Advance notice of the meeting was also given to the Mayor and members of the City Council and a copy of the Acknowledgement of Receipt of such notice is attached to these minutes. Availability of the agenda was communicated in the advance notice to the Mayor and Council. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Gonzales announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Father Gary Brethour, St. Patrick's Catholic Church, provided the invocation. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

**1. Citizen's Comments.**

No one was present for citizen's comments.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Public Hearings and action items.**

- 3.A. Public Hearing - Request for a special exception by Britany "Bee" Samms and Edward Rockenfield to provide in-home daycare at 107 North Cherokee Street, said property located in the Residential Medium (RM) District.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a request for a special exception by Britany "Bee" Samms and Edward Rockenfield to provide in-home daycare at 107 North Cherokee Street, said property located in the Residential

Medium (RM) District, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 4, 2018 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form (9 pages); and Exhibit #5 - Findings and Determinations of McCook City Council (2 pages).

City Manager Schneider reviewed the following information contained in his City Manager's Report prepared for the September 4, 2018 City Council meeting (Exhibit #1): "An application for a special exception has been submitted by Brittany "Bee" Samms and Edward Rockenfield, to permit an in-home daycare to be operated at 107 North Cherokee. The property is located within the RM District. Article 10, Section 1003 of the McCook Zoning Ordinance allows child care centers within the RM District upon receipt of a special exception designation. After staff review, it appears the applicants adequately explain how they would address the special exception considerations A - I. It does not appear the request will negatively impact the neighborhood."

City Manager Schneider added that the Planning Commission and City Staff recommend approval of this special exception request.

The applicants, Bee Samms and Ed Rockenfield, were present to address questions from the Council. They noted that they would be open during normal business hours, closed weekends, and would have five to six children.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.B. Approve a special exception request to allow an in-home daycare at 107 North Cherokee, property located within the Residential Medium (RM) District, said finding based upon special exception requirements A - I.

Motion to approve a special exception request to allow an in-home daycare at 107 North Cherokee, located in Lot 5, Block 4, Fourth Parkview Subdivision of McCook, Red Willow County, Nebraska, property located within the Residential Medium (RM) District; that the Council is empowered to grant this special exception; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant regarding special exception requirements A - I. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.C. Public Hearing - Regarding the Amended Redevelopment Plan for the Next Generation Redevelopment Project Area as to its conformity with the general plan for the development of the City as a whole.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding the Amended Redevelopment Plan for the Next Generation Redevelopment Project Area as to its conformity with the general plan for the development of the City as a whole, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 4, 2018 and Exhibit #2 - the amended Redevelopment Plan.

City Manager Schneider reviewed the amended plan and the Cost Benefit Analysis.

Andy Long, McCook Economic Development Corporation Executive Director, spoke in support of the amended plan.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

### **3.D. Meeting of the Community Development Agency.**

Motion to recess as a City Council and to convene as the McCook Community Development Agency for consideration of CDA Agenda at 6:52 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.D.1. Call to Order and Roll Call.

3.D.2. Open Meetings Act Announcement.

A meeting of the Mayor and City Council of the City of McCook, Nebraska, acting as the governing body of the Community Development Agency of the City of McCook, Nebraska was convened in open and public session at 6:52 o'clock p.m. on September 4, 2018, at the McCook Municipal Center in McCook, Nebraska. Agency Members present were: Gonzales, Calvin, McDowell, Weedon. Absent: Hepp. Notice of the meeting was given in advance thereof by publication, one of the City's designated methods for giving notice, a copy of the proof of publication being attached to these minutes. Advanced notice of the meeting was given to each member of the Agency and a copy of their acknowledgment of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and all

members of the Council. Mayor Gonzales presided and City Clerk Doak recorded the proceedings. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

3.D.3. Adopt Resolution No. CDA 2018-02 recommending approval to the McCook City Council an Amended Redevelopment Plan of the City of McCook, Nebraska; approves an Amended Redevelopment Project of the City of McCook, Nebraska; and approves the related actions for the purpose of continued development of the 2017 Next Generation Project Area.

Motion to adopt Resolution No. CDA 2018-02 recommending approval to the McCook City Council an Amended Redevelopment Plan of the City of McCook, Nebraska; approves an Amended Redevelopment Project of the City of McCook, Nebraska; and approves the related actions for the purpose of continued development of the 2017 Next Generation Project Area. This motion, made by McDowell and seconded by Calvin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.D.4. Recess as a Community Development Agency.

Motion to recess as the McCook Community Development Agency and reconvene as the McCook City Council. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.E. Adopt Resolution No. 2018-13 approving an Amended Redevelopment Plan of the City of McCook, Nebraska, approving an Amended Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of amending the 2017 Next Generation Project Area in consideration of an additional development project.

Motion to adopt Resolution No. 2018-13 approving an Amended Redevelopment Plan of the City of McCook, Nebraska, approving an Amended Redevelopment Project of the City of McCook, Nebraska; and approval of related actions for the purpose of amending the 2017 Next Generation Project Area in consideration of an additional development project. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.E.1. Recess as a City Council.

Motion to recess as a City Council and to convene as the McCook Community Development Agency for consideration of CDA agenda item. This motion, made by Weedon and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA

YEA: 4, NAY: 0, Absent: 1

- 3.F. Approve Resolution No. CDA 2018-03 authorizing and providing for the issuance of an additional tax increment revenue bond, note or other obligation and authorizing the administration of said tax increment revenue bond process, said authorization including the approval of an Amended Redevelopment Contract between the Community Development Agency of the City of McCook, Nebraska and Next Generation, Inc.

City Manager Schneider reviewed the proposed contract and the developer, Todd Reed, was present to address any questions from the Council.

Motion to approve Resolution No. CDA 2018-03 authorizing and providing for the issuance of an additional tax increment revenue bond, note or other obligation and authorizing the administration of said tax increment revenue bond process, said authorization including the approval of an Amended Redevelopment Contract between the Community Development Agency of the City of McCook, Nebraska and Next Generation, Inc. This motion, made by Weedon and seconded by Calvin.

I move to amend motion on the floor to strike, “authorizing and providing for the issuance of an additional tax increment revenue bond, note or other obligation and authorizing the administration of said tax increment revenue bond process, said authorization including” and inserting “providing for”; motion now, “to approve Resolution No. CDA 2018-03 providing for the approval of an Amended Redevelopment Contract between the Community Development Agency of the City of McCook, Nebraska and Next Generation, Inc.” This motion, made by Gonzales and seconded by Calvin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

Considered motion on the floor as amended. passed.

Hepp: Absent, Calvin: YEA, Gonzales: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

- 3.F.1. Adjourn the McCook Community Development Agency.

Motion to adjourn the meeting of the McCook Community Development Agency at 7:00 P.M. and to reconvene as the McCook City Council. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

- 3.G. Public Hearing - FY 2018/2019 Annual Budget.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed FY 2018/2019 Annual Budget with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 4, NAY: 0, Absent: 1

The City Attorney offered and received into Evidence Exhibit #1 - City Manager's Report dated September 4, 2018 (1 page) and Exhibit #2 - Notice of Budget Hearing and Budget Summary (1 page).

City Manager Schneider reviewed his Transmittal Letter and presented proposed budget changes from staff.

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 4, NAY: 0, Absent: 1

3.H. Public Hearing - Set Final Tax Request at a different amount than the prior year.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on setting the final tax request at a different amount than the prior year, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 4, NAY: 0, Absent: 1

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report dated September 4, 2018 (1 page) and Exhibit #2 - Notice of Special Hearing to Set Final Tax Request (1 page).

City Manger Schneider reviewed information included in the Notice of Hearing (Exhibit #2).

Motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 4, NAY: 0, Absent: 1

3.I. Ordinance No. 2018-2968 providing for the adoption of the budget for FY 2018/2019.

Mayor Gonzales asked the City Clerk to read Ordinance No. 2018-2968 by title. The clerk read the Ordinance by title:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Ordinance No. 2018-2968 has been read by title and I move to approve upon its second reading. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

Discussion was held regarding K9 dog included in the Police Department's proposed budget.

It was the consensus of the Council to have the proposed staff budget changes presented during the Budget Hearing be incorporated into the budget for Council consideration at the September 17 meeting.

3.J. Ordinance No. 2018-2969 providing for the adoption of the 2018/2019 Fiscal Year Employee Classification Pay Plan.

Mayor Gonzales asked the Clerk to read Ordinance No. 2018-2969 by title. The clerk read the ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2018/2019 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2018-2969 has been read by title and I move to approve upon its second reading. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

3.K. Ordinance No. 2018-2967 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2018-2967 by title. The Clerk read the Ordinance by title:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2017-2954 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2018-2967 has been read by title and I move to approve upon its second reading. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

- 3.L. Approve increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority.

Motion to approve an increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

#### **4. Consent Agenda.**

Motion to approve the consent agenda. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

- 4.A. Approve the minutes of the August 20, 2018 regular City Council meeting.
- 4.B. Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show and the bandshell for entertainment on September 29 & 30, 2018; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until Sunday evening, the 100 block of East "G" Street beginning at 3:00 p.m. on Friday, September 28, 2018 until Sunday evening, the 700 and 800 blocks of East 1st, the 100 and 200 blocks of East "H" Street beginning at 5:00 A.M., September 29, 2018 until Sunday evening, the 100 block of West "G" street from 5:00 a.m. on Saturday September 29, 2018 until after the parade; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 29, 2018; the use of City Streets around Norris Park from the conclusion of the parade until 4:00 P.M. on Saturday, September 29, 2018 for a car and tractor show.
- 4.C. Offer a contract to BSB Construction, Inc. with a bid of \$78,927.00, as the lowest responsible bidder for the West 4th Street Sewer Main Replacement and authorize the Mayor to execute the necessary paperwork to award the contract.
- 4.D. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a Christmas party to be held at the McCook Municipal Auditorium, 302 West 5th Street, on December 15, 2018 from 12:00 P.M. to 1:00 A.M.
- 4.E. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a wedding reception to be held at the McCook Municipal Auditorium, 302 West 5th Street, on October 27, 2018 from 12:00 P.M. to 1:00 A.M.
- 4.F. Receive and file claim for damages from Logan Roepke and instruct that it be submitted to the City's insurance carrier for review and appropriate action.



- 4.G. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce and the McCook Economic Development Corporation for the Heritage Days Mixer to be held at McCook National Bank, 220 Norris Avenue, on September 26, 2018 from Noon to Midnight.
- 4.H. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a mixer/anniversary to be held at VK Electronics, 606 West "B" Street, on October 10, 2018 from 10:00 A.M. to 2:00 A.M.
- 4.I. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Family Fun Night to be held at the McCook Municipal Auditorium, 302 West 5th Street, on September 27, 2018 from 10:00 A.M. to 2:00 A.M.
- 4.J. Declare the listed abandoned and unclaimed vehicles as surplus city property to be disposed of in the appropriate legal manner.

**5. Regular Agenda.**

- 5.A. Ordinance No. 2018-2970 adopting an economic development program pursuant to the provisions of the Local Option Municipal Development act.

Mayor Gonzales introduced Ordinance No. 2018-2970. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, TO ADOPT AN ECONOMIC DEVELOPMENT PROGRAM PURSUANT TO THE PROVISIONS OF THE LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT, AS AMENDED; AND TO REPEAL ALL ORDINANCES INCONSISTENT HEREWITH.

Ordinance No. 2018-2970 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weed: YEA  
YEA: 4, NAY: 0, Absent: 1

City Manager Schneider stated that the McCook Economic Development Corporation voted to support the plan as proposed. He would like to suspend the rules at the second reading, so that the plan will be in place with the sales tax extension effective October 1.

- 5.B. Ordinance No. 2018-2971 setting the salary and compensation for City Manager Nathan A. Schneider.

Mayor Gonzales introduced Ordinance No. 2018-2971. The Clerk read the ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA SETTING THE SALARY AND COMPENSATION OF THE CITY MANAGER OF THE CITY OF MCCOOK; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM

AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

5.B.2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.

Ordinance No. 2018-2971 has been introduced, read by title, I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

Motion to suspend the rule has been approved, I move for final passage of Ordinance No. 2018-2971. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: Absent, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 4, NAY: 0, Absent: 1

The ordinance was approved with a 2% cost of living increase of \$1,951 and a 2.5% merit increase of \$2,439, for an annual salary of \$101,957.

Mayor Gonzales stated for the record that Ordinance No. 2018-2971 is declared lawfully passed and adopted upon publication as required by law.

5.C. Council Comments.

Mayor Gonzales stated that McCook lost one of its greatest volunteers this past week with the passing of Raleigh Haas. Raleigh touched many lives, McCook is a great place because of him.

**Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:03 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer