

McCook City Council
March 16, 2020
5:30 PM Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Calvin, Weedon, Muehlenkamp.

Absent: Councilmember Hepp; City Attorney Mustion.

City Officials present: City Manager Schneider, City Clerk Doak, Police Chief Brown, Utilities Director Dutcher, 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 March 12, 2020, 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. Jeff Kelley, pastor of the United Methodist 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.

Fire Chief Harpham introduced Colt McDonald as a new Firefighter/Paramedic for the City.

City Staff gave an update on the Coronavirus; the Senior Center building is closed to the public, employees will continue to provide meals for delivery or pickup; Public Transit will remain open and will disinfect frequently; there is no indication that the virus can become water borne, so there are no issues with our water system which already utilizes a Clorox type product for disinfection; the Library will be closed to the public, but will provide service on a pickup basis; all other departments will run as normal.

3. Public Hearings.

City Manager Schneider informed the Council that upon the request from the redeveloper, Agenda Items 3.A. through 3.E., be postponed until the April 6, 2020 meeting to allow for him to address concerns regarding parking.

3.A. Public Hearing - Regarding the Redevelopment Plan for the Blackwood Enterprises Redevelopment Project as to its conformity with the general plan for the development of the City as a whole.

Motion to postpone until the April 6, 2020 City Council meeting, the public hearing for receiving public comment with respect to the proposed Redevelopment Plan for the Blackwood Enterprises Redevelopment Project as to its conformity with the general plan for the development of the City as a whole. This motion, made by Weedon and seconded by Calvin, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

3.B. 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 5:50 P.M. This motion, made by Gonzales and seconded by Weedon, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

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 5:50 o'clock P.M. on March 16, 2020, 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.

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.

3.B.3. Adopt Resolution No. CDA 2020-01 approving an amendment to the Redevelopment Plan for the City of McCook, to the City Council, and adopting a Cost Benefit Analysis for the Blackwood Enterprises Redevelopment Project.

Motion to postpone until the April 6, 2020 City Council meeting, consideration of Resolution No. CDA 2020-01 approving an amendment to the Redevelopment Plan for the City of McCook, to the

City Council, and adopting a Cost Benefit Analysis for the Blackwood Enterprises Redevelopment Project. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

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

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

3.C. Adopt Resolution No. 2020-03 approving an amendment of the Redevelopment Plan of the City of McCook, Nebraska, including the Blackwood Enterprises Redevelopment Project.

Motion to postpone until the April 6, 2020 City Council meeting, consideration of Resolution No. 2020-03 approving an amendment of the Redevelopment Plan of the City of McCook, Nebraska, including the Blackwood Enterprises Redevelopment Project. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

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 Gonzales and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

3.D. Approve Resolution No. CDA 2020-02 authorizing and approving a Redevelopment Agreement including the use of Tax Increment Financing for the Blackwood Enterprises Redevelopment Project, and taking other actions required or permitted under the Community Development Law.

Motion to postpone until the April 6, 2020 City Council meeting, consideration of Resolution No. CDA 2020-02 authorizing and approving a Redevelopment Agreement including the use of Tax Increment Financing for the Blackwood Enterprises Redevelopment Project, and taking other actions required or permitted under the Community Development Law. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

Motion to adjourn the meeting of the McCook Community Development Agency at 5:55 P.M. and to reconvene as the McCook City Council. This motion, made by Gonzales and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

- 3.E. Adopt Resolution No. 2020-04 approving the form of the Redevelopment Agreement for the Blackwood Enterprises Redevelopment Project and authorizing the Community Development Agency to enter into said agreement.

Motion to postpone until the April 6, 2020 City Council meeting, consideration of Resolution No. 2020-04 approving the form of the Redevelopment Agreement for the Blackwood Enterprises Redevelopment Project and authorizing the Community Development Agency to enter into said agreement. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

- 3.F. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held January 27, 2020.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held January 27, 2020 with the City Manager to act as hearing officer. This motion, made by Gonzales and seconded by Weedin, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

The City Manager offered and received into evidence Exhibit #1 - the City Manager's Report dated March 16, 2020 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the January 27, 2020 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (10 pages); and Exhibit #4 - the minutes of the October 28, 2019 Economic Development Plan Citizen's Advisory Review Committee (3 pages).

Andy Long, McCook Economic Development Director, and Sean Wolfe, president of the Economic Development Plan Citizen's Advisory Review Committee, reviewed the information presented in Exhibit #3 and answered questions from the Council.

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

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

- 3.G. Receive and file the minutes of the October 28, 2019 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to receive and file the minutes of the October 28, 2019 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

4. Consent Agenda.

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

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

- 4.A. Approve the minutes of the March 2, 2020 regular City Council meeting.
- 4.B. 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 April 18, 2020 from 12:00 P.M. to 1:00 A.M.
- 4.C. Approve the bid specifications for one (1) new 30' x 40' metal garage for the Cemetery Department and set the date to receive bids as April 7, 2020 at 2:00 P.M.
- 4.D. Approve the request from Stacy Priebe to utilize city streets and walking trails for the 2020 Republican River Fitness Series Run for UV Relay on April 18, 2020.
- 4.E. Award the bid for 2020 Armor Coating Project to Figgins Construction of Red Cloud, Nebraska in the amount of \$3.93 per gallon, that being the lowest best bid.
- 4.F. Receive and file the minutes of the March 9, 2020 Planning Commission meeting.
- 4.G. Receive and file the claims for the month of February 2020 as published March 10, 2020.
- 4.H. Receive and file the Financial Report for the period ending February 29, 2020.

5. Regular Agenda.

- 5.A. Approve the LB840 Economic Development Revolving Loan Fund Program loan for Early Morning Cackle Spirit Shop/Bottle Shop in the amount of \$55,700, with the condition precedent that the Board of Directors of the McCook Economic Development Corporation approve the loan.

Motion to approve the LB840 Economic Development Revolving Loan Fund Program loan for Early Morning Cackle Spirit Shop/Bottle Shop in the amount of \$55,700, with the condition precedent that the Board of Directors of the McCook Economic Development Corporation approve the loan, which the Board did at a special meeting held the afternoon of March 16, 2020. This motion, made by Weedin and seconded by Calvin, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

City Manager Schneider reviewed the following information contained in his City Manager's Report:

"Early Morning Cackle Spirit Shop/Bottle Shop has applied for an LB840 Economic Development Revolving Loan Fund program loan. The loan serves as a gap funding source to assist Early Morning Cackle with the purchase of the Bottle Shop and Spirit Shop. The loan will be a 10 year loan in the amount of \$55,700 at 3%. The terms of the loan are similar to previous LB840 loans. A copy of the application is attached to this report. It should be noted that since this application involves the purchase of real estate, City Council approval is necessary pursuant to our LB840 Plan."

"As for the attached condition precedent, the McCook Economic Development Corporation Board of Directors are attempting to hold a special meeting on Monday afternoon to approve the loan. The Board of Directors must approve the loan prior to the City Council's approval. If the Board of Directors are unable to grant approval, this matter will be postponed until April 6. City Staff will provide the City Council with an update from the McCook Economic Development Corporation meeting on Monday night."

Andy Long, MEDC Executive Director, informed the council that the Board of Directors did meet and approve the loan on Monday afternoon.

- 5.B. Consider on its third and final reading Ordinance No. 2020-2998 adopting the official Extraterritorial Jurisdiction Zoning Map for the City of McCook, with the condition that Red Willow County adopt a zoning map to harmonize Red Willow County's zoning jurisdiction with the City of McCook's Extraterritorial Jurisdiction.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2998 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ADOPTING THE OFFICIAL EXTRATERRITORIAL JURISDICTION (ETJ) ZONING MAP FOR THE CITY OF MCCOOK, NEBRASKA; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Ordinance No. 2020-2998 has been read by title and a motion to approve upon its third and final reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

Mayor Gonzales stated for the record that Ordinance No. 2020-2998 is declared lawfully passed and adopted upon publication as required by law.

- 5.C. Adopt Resolution No. 2020-05 approving an Interlocal Agreement between the City of McCook and Red Willow County for the continued provision of building inspection and permitting services for Calabria Subdivision.

Motion to adopt Resolution No. 2020-05 approving an Interlocal Agreement between the City of McCook and Red Willow County for the continued provision of building inspection and permitting services for Calabria Subdivision. This motion, made by Weedin and seconded by Calvin, passed.
Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

- 5.D. Consider Ordinance No. 2020-3000 on its third and final reading, adding Section 130.33 to the City of McCook Code of Ordinances and amending Section 130.99 of the City of McCook Code of Ordinances, Chapter 130: General Offenses.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3000 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130: GENERAL OFFENSES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; ADDING SECTION 130.33 - OBSTRUCTING/HARASSING A PEACE OFFICER; AMENDING SECTION 130.99 - PENALTY; TO PROVIDE THAT OBSTRUCTION OF A POLICE ANIMAL IS AN OFFENSE; TO PROVIDE THAT HARASSMENT OF A POLICE ANIMAL IS AN OFFENSE; TO CLARIFY THE DEFINITION OF "POLICE ANIMAL"; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3000 has been read by title and a motion to approve upon its third and final reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

Mayor Gonzales stated for the record that Ordinance No. 2020-3000 is declared lawfully passed and adopted upon publication as required by law.

- 5.E. Consider on its third and final reading Ordinance No. 2020-2999 repealing Section 90.24; amending Sections 90.08, 90.20, 90.22, 90.23, 90.30, and 90.99; and adding 90.33, 90.34, 90.35, 90.36, and 90.37, of the City of McCook Code of Ordinances, Chapter 90: Animals.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-2999 by title.

AN ORDINANCE ADDING SECTIONS 90.33, 90.34, 90.35, 90.36, 90.37 AMENDING SECTIONS 90.08, 90.20, 90.22, 90.23, 90.30, 90.99 AND REPEALING SECTION 90.24 IN ITS ENTIRETY; AS THEY PERTAIN TO CHAPTER 90 - ANIMALS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2020-2999 has been read by title and a motion to approve upon its third and final reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 4, NAY: 0, ABSENT: 1

Mayor Gonzales stated for the record that Ordinance No. 2020-2999 is declared lawfully passed and adopted upon publication as required by law.

- 5.F. Consider Ordinance No. 2020-3001 amending Chapter 38: Fee Schedule - Appendix H: Animal Impoundment and Boarding Fees of the City of McCook Code of Ordinances upon its second reading.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3001 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX H: ANIMAL IMPOUNDMENT AND BOARDING FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ALL 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. 2020-3001 has been read by title and I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

Motion for final passage of Ordinance No. 2020-3001. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

Mayor Gonzales stated for the record that Ordinance No. 2020-3001 is declared lawfully passed and adopted upon publication as required by law.

- 5.G. Consider on its second reading Ordinance No. 2020-3002 amending 95.03 and 95.35, and repealing 95.05 to the City of McCook Code of Ordinances, Chapter 95: Nuisance; Health and Sanitation.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3002 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 95: NUISANCE; HEALTH AND SANITATION, OF THE CITY OF MCCOOK CODE OF ORDINANCES; RELATING TO ABATEMENT OF NUISANCES; CLARIFYING LANGUAGE RELATING TO COSTS OF ABATEMENTS BEING COLLECTED AS A SPECIAL ASSESSMENT; AND RELATING TO WEEDS, LITTER AND STAGNANT WATER; CLARIFYING EXTRATERRITORIAL JURISDICTION TO ENFORCE REGULATIONS; DELETING SECTION 95.05 - INTERVENTION OF ADJOINING LAND OWNER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3002 has been read by title and a motion to approve upon its second reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

5.H. Consider on its second reading Ordinance No. 2020-3003 amending Section 130.32: Abandoned Automobiles, to the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3003 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130: GENERAL OFFENSES - OFFENSES AGAINST THE PEACE, OF THE CITY OF MCCOOK CODE OF ORDINANCES; AMENDING SECTION 130.32 - ABANDONED AUTOMOBILES; ADDING NEW PROVISIONS RELATED TO REMOVING ABANDONED VEHICLES FROM PRIVATE PROPERTY; REVISING PROVISIONS RELATING TO REMOVING ABANDONED VEHICLES FROM PUBLIC PROPERTY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3003 has been read by title and a motion to approve upon its second reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

5.I. Consider on its second reading Ordinance No. 2020-3004 amending Section 33.03: Proposed Budget Statement; Hearing; Adoption; Certification of Tax Amount, of the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3004 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 30: BUDGET REGULATIONS, OF THE CITY OF MCCOOK CODE OF ORDINANCES; SECTION 33.03 - PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT; RELATING TO BUDGET HEARING NOTICE; CHANGING BUDGET HEARING NOTICE PROVISIONS FROM FIVE TO FOUR CALENDAR DAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3004 has been read by title and I move to approve upon its second reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: ABSENT, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 4, NAY: 0, ABSENT: 1

5.J. Council Comments.

Mayor Gonzales stated that he appreciates the hours spent by Public Safety personnel and City Staff in helping to protect our community from the coronavirus, and asked the community to please give them all of the support that they can.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:24 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer