

McCook City Council
August 17, 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 Hepp, Calvin, Weedon, Muehlenkamp.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Library Director Crocker, 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 August 13, 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. 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.

City Manager Schneider informed the Council that an open house will be held will be held for Police Chief Brown on August 28, 2020 from 3:00 P.M. to 5:00 P.M., in the Fire Department Training Room, upon his retirement after 33 years of service with the City.

3. Public Hearings.

3.A. Public Hearing - Application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the application regarding the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the August 17, 2020 City Council meeting (2 pages), 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 and attachments (5 pages); Exhibit #5 - Koch Subdivision Preliminary Plat (1 page); Exhibit #6 - Koch Subdivision Final Plat (1 page); Exhibit #7 - Future Land Use Map (1 page); Exhibit #8 - minutes of the August 10, 2020 Planning Commission meeting; and Exhibit #9 - proposed Subdivision Agreement (3 pages).

City Manager Schneider reviewed the following information contained in Exhibit #1: "In 2010, a new lot was created in the AG District by the Bishop Family Trust. Eugene and Joan Koch purchased the lot and they currently remain the record owners. The lot is legally described as Part of the SE 1/4 Section 24, T3N, R30W, of the Sixth P.M., Red Willow County, Nebraska. The lot was created for commercial purposes. An application has been submitted by Eugene and Joan Koch, by and through their project sponsor, Miller & Associates Consulting Engineer, P.C., requesting that their lot be subdivided, creating two distinct lots. Due to the fact the lot has been subdivided once before, the request is in the form of a minor subdivision. Per the application, the northern most lot would become Lot 1 of the Koch Subdivision, and would consist of 5.51 net acres. The southern most lot would become Lot 2 of the Koch Subdivision, and would consist of 7.13 net acres. Currently, there is a business located on proposed Lot 1. Proposed Lot 2 remains unimproved. Proposed Lot 2 would be a flag lot, assuring ingress and egress off of Drive 716 and providing for the means of assigning an address. The Koch family would like to build a residence on proposed Lot 2 if the subdivision request is approved by the City Council."

"As mentioned above, the land is currently zoned for agricultural use. On review of McCook's future land use map, it appears that both proposed lots are zoned for future industrial and/or commercial use. The land to the west and south is zoned for residential use. Based on prior zoning requests, it appears that land owners in this area intend to develop their properties for residential purposes. This type of development is consistent with McCook's Comprehensive Plan. The Koch's request follows suit with the trend the City has observed over the past few years with respect to the development of residential lots in this area."

"As a result of our annexation discussions over the past few years (and particularly noting the discussion held by the City Council in July of 2020), the City Council has required that subdivision agreements be executed when new subdivisions are approved in areas located within McCook's two-mile extraterritorial district. The planning commission can recommend a subdivision agreement be executed as a condition precedent to the creation of the Koch Subdivision which would require

the property owners to submit to a future annexation without protest.”

Applicants Eugene and Joan Koch and Scott Clifford of Miller & Associates, were present to answer questions from the Council.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

3.B. Adopt Resolution No. 2020-17 providing for the approval of the Final Plat (for a minor subdivision) for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska.

Motion to adopt Resolution No. 2020-17 providing for the approval of the Final Plat for Koch Subdivision, said tract generally described as a tract of land being part of the Southeast Quarter of Section 24, Township 3 North, Range 30 West of the 6th P.M., in Red Willow County, Nebraska. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

3.C. Approve a subdivision agreement between the City of McCook and Eugene and Joan Koch as a condition to the creation of the Koch Subdivision.

Motion to approve a subdivision agreement between the City of McCook and Eugene and Joan Koch as a condition to the creation of the Koch Subdivision. This motion, made by Calvin and seconded by Hepp, passed.

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

YEA: 5, NAY: 0

4. Consent Agenda.

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

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

YEA: 5, NAY: 0

4.A. Approve the minutes of the August 3, 2020 regular City Council meeting.

4.B. Receive and file the claims for the month of July 2020 as published August 7, 2020.

4.C. Approve amendments to the "Articles of Incorporation" and "Bylaws" of the League of Nebraska Municipalities by voting "for" Proposed Actions 1, 2, and 3 on the "Regular Member Ballot"; authorize the Mayor to sign said ballot; and return to the League by no later

than 5:00 P.M., October 1, 2020.

- 4.D. Receive and file the minutes of the August 10, 2020 Planning Commission meeting.
- 4.E. Ratify the Mayor's appointments to the City/County Airport Zoning Board - reappoint Steve Keene and Bruce McDowell - terms expire September 2023.

5. Regular Agenda.

- 5.A. Approve under suspension of the rules, on its second reading, Ordinance No. 2020-3008 creating Chapter 119: Sidewalk Cafes, amending the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3008 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, TITLE XI: BUSINESS REGULATIONS; ADDING CHAPTER 119: SIDEWALK CAFÉS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2020-3008 has been introduced, 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 Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2020-3008. This motion, made by Gonzales and seconded by Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2020-3008 is declared lawfully passed and adopted upon publication as required by law.

- 5.B. Ordinance No. 2020-3010 providing for the adoption of the budget for FY 2020/2021.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3010 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. 2020-3010 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

City Manager Schneider presented the proposed budget to the Council. After earlier concerns due to COVID19, sales tax revenue is trending closer to where anticipated, estimates in the proposed budget assume them to remain flat; proposed sales tax allocations included amounts for street improvements and maintenance, drainage maintenance, and replacement of the auditorium roof; \$26,654 has been included for merit raises for the employees that are eligible; the City did receive two safety dividend checks totaling about \$78,000, these funds could be designated for projects, such as replacement of the front steps of the auditorium which are deteriorating and sinking away from the building at the entrances causing safety concerns; a \$75,000 transfer to the General Fund Reserve is included to continue to fulfill the auditor's recommendation to keep the reserve at three months of the city operating expenses; when factoring in the insurance brokers estimate of 10%, the annual health insurance transfer per employee was increased from \$20,450 to \$23,000; and Community Betterment Funds (Keno) and the hotel occupation tax are estimated to be down and highway allocations are down \$110,000.

Police Chief Brown, Fire Chief Harpham, Library Director Crocker, Senior Services Director Siegfried, Public Works Director Potthoff, and Utilities Director Dutcher reviewed highlights of their proposed budgets.

5.C. Ordinance No. 2020-3011 providing for the adoption of the FY 2020/2021 Fiscal Year Employee Classification Pay Plan.

Mayor Gonzales asked the Clerk to read Ordinance No. 2020-3011 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2020/2021 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. 2020-3011 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Gonzales, passed.

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

YEA: 5, NAY: 0

5.D. Council Comments.

Councilmember Calvin noted that the Governor signed the bill regarding Land Bank consortiums for communities and Mayor Gonzales thanked staff for all that they do for putting the budget together.

5.E. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57.

Motion to go into executive session for the protection of public interest for a strategy session with

respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 7:45 P.M. This motion, made by Calvin and seconded by Weedin, passed.

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

YEA: 5, NAY: 0

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

Included in the closed session were City Manager Schneider, City Attorney Mustion, City Clerk Doak, and Police Chief Brown.

Motion to come out of executive session at 7:55 P.M. This motion, made by Calvin and seconded by Weedin, passed.

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

YEA: 5, NAY: 0

5.F. An Executive Session may be held upon a majority vote of the Council for the annual evaluation of the job performance of City Manager Nathan A. Schneider.

Motion to go into executive session for the annual evaluation of the job performance of City Manager Nathan A. Schneider at 7:55 P.M. This motion, made by Calvin and seconded by Gonzales, passed.

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

YEA: 5, NAY: 0

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the annual evaluation of the job performance of City manager Nathan A. Schneider. The Council will reconvene in public session following this closed session.

City Manger Schneider was included in the closed session.

Motion to come out of executive session at 8:43 P.M. This motion, made by Gonzales and seconded by Calvin, passed.

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

YEA: 5, NAY: 0

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:43 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer