

McCook City Council
September 8, 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, Library Director Crocker, Utilities Director Dutcher, Utilities Superintendent Fawver, Fire Chief Harpham, Public Works Director Potthoff, and Senior Services Director Siegfried, and Police Chief Smith.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 3, 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.

Andy Long, resident, spoke in support of the McCook Chamber of Commerce contract and encouraged the Council to consider the use of public-private planning partnerships for development of some of the large infrastructure that the community needs, such as ballpark upgrades.

2. Announcements & Recognitions.

City Manager Schneider expressed condolences to the families of Larry Dicke and Ken Keslin who were lost in a tragic accident this past weekend. Both of them were dedicated, hard working employees of the City. They both came to work and did their job, with no fanfare. We are fortunate to have had the opportunity to work with Larry and Ken. More importantly, we were lucky to be their friends.

3. Public Hearings.

3.A. Public Hearing - consider the 2021 McCook Plan of Street Improvements.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the 2021 McCook Plan of Street Improvements 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 offered and received into evidence Exhibit #1 - the City Manager's Report dated September 8, 2020 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Resolution No. 2020-18 (1 page); Exhibit #4 - One Year Street Plan (1 page); Exhibit #5 - Long Range Street Plan (1 page); Exhibit #6 - Map of 2021 - Plan of Street Improvements (1 page); Exhibit #7 - 2021 One & Six Year Plan Budget (1 page); and Exhibit #8 - Projects Completed or Contracted in the Last Fiscal Year (1 page).

Greg Wolford and Kyle Potthoff discussed the progress of the current street plan. They also discussed what will be coming up in the next couple of years.

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: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.

YEA: 5, NAY: 0

3.B. Adopt Resolution No. 2020-18 approving the 2021 McCook Plan of Street Improvements.

Motion to adopt Resolution No. 2020-18 approving the 2021 McCook Plan of Street Improvements. 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. Receive and file request from the McCook Chamber of Commerce to continue the City's appropriation to the Chamber.

Dawson Brunswick, McCook Chamber of Commerce President/CEO presented the Chamber's request to the Council for \$6,000 from ACE Fund Program dollars to be used on promoting four community growth events and projects; 1) Crazy Days; 2) Heritage Days; 3) promote local Christmas shopping; and 4) relocation packets.

3.D. Public Hearing - FY 2020/2021 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 2020/2021 Annual Budget with the City Attorney to act as hearing officer. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated

September 8, 2020 (1 page) and Exhibit #2 - Notice of Hearing published (1 page).
City Manager Schneider reviewed information contained in Exhibit #2.

No public comment.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by Weedon and seconded by Hepp, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

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

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 8, 2020 (1 page) and Exhibit #2 - Notice of Hearing published (1 page).

City Manager Schneider reviewed Exhibit #2.

No public comment.

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

3.F. Consider 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 that the statutory rule requiring reading on three different days be suspended. This motion, made by Weedon and seconded by Gonzales, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: NAY.
YEA: 4, NAY: 1

Motion for final passage of Ordinance No. 2020-3010. This motion, made by Gonzales and seconded by Hepp.

Discussion included the future of the pool; the need for a report from the Pool Committee - what were their recommendations, what was their projected cost for a new pool and what do they estimate the annual maintenance costs to increase to; how would the project be funded; utilizing an additional .5% city sales tax revenue for a pool bond; getting an engineer involved for development of options and design of a pool; and the status of entry signs at each entrance to the City.

Grant Norgaard, chairman of the Pool Committee, was present at the meeting to address questions from the Council, telling the Council that the committee had met once over the summer via ZOOM and that he believed the community would benefit from a new pool; the estimated project cost was around \$5 million; the committee did not prepare an official report; and funding would come from a capital campaign and city funds.

Ike Brown, city resident, suggested contacting communities that have already constructed new pools to find out what features their pools have, what was the cost of their project, how it was funded, and what effect did it have on their budget for operations.

It was the consensus of the Council to utilize available safety dividend dollars for front step replacement at the auditorium; using \$6,000 in ACE funds for funding of the Chamber request; and designating \$72,000 in sales tax revenue for roof replace at the auditorium.

Motion on the floor for final passage of Ordinance No. 2020-3010 was considered, passed.
Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2020-3010 is declared lawfully passed and adopted upon publication as required by law.

3.G. 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 that the statutory rule requiring reading on three different days be suspended. This motion, made by Weedin and seconded by Calvin, passed.

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

Motion for final passage of Ordinance No. 2020-3011. This motion, made by Weedin and seconded by Calvin, passed.

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

Mayor Gonzales stated for the record that Ordinance No. 2020-3011 is declared lawfully passed and adopted upon publication as required by law.

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

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

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

4. Consent Agenda.

Councilmember Calvin requested that Item H and Item M be removed from the Consent Agenda and placed on the Regular Agenda.

Mayor Gonzales requested that Item F, Item J, and Item K be removed from the Consent Agenda and placed on the Regular Agenda.

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

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

4.A. Approve the minutes of the August 17, 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 Red Willow County 4-H Building, 1412 West 5th Street, on October 3, 2020 from 12:00 P.M. to 1:00 A.M.; and shall be subject to comply with any Directed Health Measures in effect at the time of the event.

4.C. Approve Resolution No. 2020-19 authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance Form 2020 to the Nebraska Board of Public Roads Classification and Standards.

4.D. Approve the appointment of City Manager Nate Schneider, Public Works Director Kyle

Potthoff, Airport Maintenance Operator Ken Vontz, and Airport Advisory Commission member Griff Malleck to the Selection Board for engineering services for the Airport Master Plan at McCook Ben Nelson Regional Airport.

- 4.E. Ratify the Mayor's appointments to the Economic Development Plan Citizen's Advisory Review committee - appoint Bob Elder to replace Gary Wiemers - term expires July 2023; the Board of Health - appoint Joel Smith - term expires June 2021; the Parks Advisory Board - reappoint Mark Friehe - term expires May 2023; and the Tree Advisory Board - appoint Ashley Sydow to replace Mary Pate - term expires April 2025.
- 4.G. Approve Bid Specifications and Documents for three (3) new Ambulance Power Load Systems and Cots (stretchers) and set the date to receive bids as September 30, 2020 at 2:00 P.M.
- 4.I. Approve the Certification of Completion and release for Project No. 3-31-0052-015 Concrete Rehabilitation, Crack Sealing and Painting at McCook Nelson Regional Airport and authorize the Mayor to sign.
- 4.L. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Community Celebration Mixer to be held at the Keystone Business Center, 402 Norris Avenue, on September 23, 2020 from 10:00 A.M. to 2:00 A.M.

5. Regular Agenda.

- 4.F. Approve the request from Ronda Graff to utilize city streets and walking trails for the 2020 Republican River Fitness Series on the following dates September 26, November 21, and December 12, 2020.

Motion to approve the request from Ronda Graff to utilize city streets and walking trails for the 2020 Republican River Fitness Series on the following dates September 26, November 21, and December 12, 2020. This motion, made by Gonzales and seconded by Calvin, passed.

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

Mayor Gonzales questioned how they meet COVID requirements.

- 4.H. Approve Bid Specifications for two (2) new Dispatch Consoles for use by the McCook Police Department and set the date to receive bids as September 30, 2020 at 2:30 P.M.

Motion to approve Bid Specifications for two (2) new Dispatch Consoles for use by the McCook Police Department and set the date to receive bids as September 30, 2020 at 2:30 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

- 4.J. Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show on September 26 & 27, 2020; 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 25, 2020 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 26, 2020 until Sunday evening, the 100 block of West "G" street from 5:00 a.m. on Saturday September 26, 2020 until after the parade; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 26, 2020; the use of City Streets around Norris Park from the conclusion of the parade until 4:00 P.M. on Saturday, September 26, 2020 for a car and tractor show.

Motion to approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for the Arts & Crafts Show on September 26 & 27, 2020; 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 25, 2020 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 26, 2020 until Sunday evening, the 100 block of West "G" street from 5:00 a.m. on Saturday September 26, 2020 until after the parade; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 26, 2020; the use of City Streets around Norris Park from the conclusion of the parade until 4:00 P.M. on Saturday, September 26, 2020 for a car and tractor show. This motion, made by Gonzales and seconded by Weedin, passed.

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

An agreement addressing COVID concerns will be brought for Council consideration at the September 21 meeting.

- 4.K. Approve the McCook Area Chamber of Commerce Heritage Days request to close the 400 Block of Norris Avenue for the Heritage Days Mixer on September 23, 2020 from 5:00 P.M. to 8:00 P.M.

Motion to approve the McCook Area Chamber of Commerce Heritage Days request to close the 400 Block of Norris Avenue for the Heritage Days Mixer on September 23, 2020 from 5:00 P.M. to 8:00 P.M. This motion, made by Gonzales, seconded by Weedin, passed.

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

- 4.M. Approve Resolution No. 2020-20 amending the rates for the ambulance service operated by the City of McCook, Nebraska.

Motion to approve Resolution No. 2020-20 amending the rates for the ambulance service operated by the City of McCook, Nebraska. This motion, made by Calvin, seconded by Muehlenkamp, passed.

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

5.A. Approve Employment Agreement with City Manager Nathan A. Schneider and authorize the Mayor to sign.

Motion to approve the Employment Agreement with City Manager Nathan A. Schneider and authorize the Mayor to sign. 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.B. Consider Ordinance No. 2020-3012 setting the salary and compensation of City Manager Nathan A. Schneider.

Mayor Gonzales introduced Ordinance No. 2020-3012 and asked the Clerk to read it by title. The Clerk read the 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.

Ordinance No. 2020-3012 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 Weedon and seconded by Calvin, passed.

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

Motion for final passage of Ordinance No. 2020-3012. 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. 2020-3012 is declared lawfully passed and adopted upon publication as required by law.

5.C. Council Comments.

Council comments included thanking staff for all that they do when preparing the budget; extending condolences to the families of Larry Dicke and Ken Keslin; recognizing the Fire Department on receiving the grant for the purchase of ambulance power load systems and cots; and thanking all who attended the meeting tonight.

5.D. 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 - McCook

Professional Firefighters Association Local 2100.

Motion to go into executive session for the protection of public interest for a strategy session with respect to collective bargaining - McCook Professional Firefighters Association Local 2100 at 7:25 P.M. This motion, made by Calvin and seconded by Muehlenkamp, 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 McCook Professional Firefighters Association Local 2100. 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 Fire Chief Harpham.

Motion to come out of executive session at 7:34 P.M. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

5.E. Adopt Resolution No. 2020-22 and Resolution No. 2020-23, ratifying the Firefighters and Lieutenants Collective Bargaining Agreements between the City of McCook and the McCook Professional Firefighters Association, Local 2100 for the period of October 1, 2020 to September 30, 2025, and authorize the Mayor to sign said agreement.

Motion to adopt Resolution No. 2020-22 and Resolution No. 2020-23, ratifying the Firefighters and Lieutenants Collective Bargaining Agreements between the City of McCook and the McCook Professional Firefighters Association, Local 2100 for the period of October 1, 2020 to September 30, 2025, and authorize the Mayor to sign said agreement. This motion, made by Calvin and seconded by Muehlenkamp, 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 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 7:36 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 Smith.

Motion to come out of executive session at 7:43 P.M. This motion, made by Weedin and seconded by Calvin, passed.

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

5.G. Adopt Resolution No. 2020-21 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2020 to September 30, 2022, and authorize the Mayor to sign said agreement.

Motion to adopt Resolution No. 2020-21 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2020 to September 30, 2022, and authorize the Mayor to sign said agreement. This motion, made by Calvin and seconded by Weedin, 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 7:44 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer