

McCook City Council
June 17, 2024
5:30 P.M. 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 Taylor, Councilmembers Calvin, Weedon, Rambali.

Absent: Councilmember Muehlenkamp.

I move to excuse the absence of Councilmember Muehlenkamp. This motion, made by Calvin and seconded by Weedon, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, Police Chief Hodgson, 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 June 13, 2024, 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 Taylor announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review. Councilmember Weedon provided the invocation. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

1. Announcements & Recognitions.

City Manager Schneider shared with the Council information from the Business in Nebraska letter regarding McCook's Taxable Sales pull factor by population. Sales capture, the share of local spending power that is captured by area businesses, is an important measure of economic activity. Great sales capture, which is typically measured using data on local taxable sales, creates multiple benefits for the economy. The average pull factor for communities with a population similar to McCook/Red Willow County is .516. The pull factor for McCook/Red Willow County is 1.304. McCook is ranked fourth highest following Grand Island/Hall County at 1.589, Norfolk/Madison County at 1.571, and Kearney/Buffalo County at 1.327.

2. Public Hearing.

- 2.A. Regarding a real estate purchase of real property owned by John D. Walters, legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., 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 a real estate purchase of real property owned by John D. Walters, legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the June 17, 2024 City Council meeting (1 page) and Exhibit #2 - Notice of Public Hearing published (1 page).

City Manager Schneider reviewed the project, costs, and safety concerns leading to the change of location to the John Walters property.

No public comments were received.

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

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

3. Consent Agenda.

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

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 3.A. Approve the minutes of the June 3, 2024 regular City Council meeting.

- 3.B. Receive and file the claims for the month of May 2024, published June 7, 2024.

- 3.C. Approve an application from Viaero Fiber Networks, LLC to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and new ground level vault for the Keystone Business Center.
- 3.D. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Doug Skiles and Mike Kugler - terms expire November 2027; and to the Economic Development Plan Citizen's Advisory Review Committee - reappoint Sean Wolfe and Sarah Renner - terms expire July 2027.
- 3.E. Appoint Lance Gillen, Tom Bredvick, and Linda Taylor to the McCook Community Recreation Facilities Committee as required by the Interlocal Cooperation Agreement between the City of McCook and Red Willow County School District 0017 (McCook Public Schools).
- 3.F. Receive and file the Financial Report for the period ending May 31, 2024.

4. Regular Agenda.

- 4.A. Ordinance No. 2024-3082 authorizing the issuance of Combined Utilities Revenue Bonds, in a principal amount of not to exceed \$9 million, to pay the costs of improvements to the City's combined utilities, including the sewer system improvement project.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3082 by title.

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF McCOOK, NEBRASKA OF ITS COMBINED UTILITIES REVENUE BONDS, SERIES 2024, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE BONDS AND AUTHORIZING THE SALE AND DELIVERY OF THE BONDS TO THE PURCHASER THEREOF; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST ISSUANCE TAX COMPLIANCE AND DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2024-3082 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 Weedon, passed. Motion to suspend the rule must be adopted by three-fourths of the Council. Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Motion for final passage of Ordinance No. 2024-3082. This motion, made by Calvin and seconded by Taylor,

Discussion was held.

City Manager Schneider reviewed the information presented in his City Manager's reports for both Agenda Items 4.A. and 4.B.

Brad Slaughter, Northland Securities reviewed the process for the Combined Utility Bonds and the Bond Anticipation Notes.

Mayor called the question for the motion on the floor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA

YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2024-3082 is declared lawfully passed and adopted upon publication as required by law.

4.B. Ordinance No. 2024-3083 authorizing the issuance of Combined Utilities Revenue Bond Anticipation Notes, in a principal amount not to exceed \$8 million, to pay the construction costs of improvements to the City's combined utilities, including the sewer system improvement project, which notes are expected to be repaid with USDA financing or other long-term obligations upon completion of the project.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3083 by title.

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF McCOOK, NEBRASKA OF ITS BOND ANTICIPATION NOTES, SERIES 2024, IN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000; PRESCRIBING THE FORM AND DETAILS OF THE NOTES AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICIALS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE NOTES AND AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER THEREOF; DESIGNATING THE NOTES AS QUALIFIED TAX-EXEMPT OBLIGATIONS; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2024-3083 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 Rambali, passed. Motion to suspend the rule must be adopted by three-fourths of the Council. Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Motion for final passage of Ordinance No. 2024-3083. This motion, made by Rambali and seconded by Calvin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2024-3083 is declared lawfully passed and adopted upon publication as required by law.

4.C. Ordinance No. 2024-3084 authorizing the issuance of Municipal Improvement bond Anticipation Notes, in a principal amount not to exceed \$5 million, to pay the construction costs of ballpark facilities and other improvements authorized by the voters at the City's sales tax election held on November 8, 2023.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3084 by title.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF MUNICIPAL IMPROVEMENT BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, OF THE CITY OF McCOOK, NEBRASKA, OF THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE MILLION DOLLARS (\$5,000,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING INFRASTRUCTURE IMPROVEMENTS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND ORDERING THIS ORDINANCE PUBLISHED IN PAMPHLET OR ELECTRONIC FORM.

Ordinance No. 2024-3084 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 Weedon, passed. Motion to suspend the rule must be adopted by three-fourths of the Council.
Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

City Manager Schneider reviewed the information presented in his City Manager's report.

Paul Grieger, D.A. Davidson, reviewed the process for the Municipal Improvement Bond anticipation Notes and addressed questions from the Council.

Motion for final passage of Ordinance No. 2024-3084. This motion, made by Weedon and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor stated for the record that Ordinance No. 2024-3084 is declared lawfully passed and adopted upon publication as required by law.

- 4.D. Presentation from Erica Bush with WCNDD (West Central Nebraska Development District) in regards to properties identified to be in violation of McCook's Code of Ordinances.

Erica Bush with West Central Nebraska Development District (WCNDD) presented on properties that violate the McCook Code of Ordinance. They mailed 110 LETTERS to the property owners requesting that these violations be resolved. Of the 110, 52 of the properties have been cleared, 31 requested extensions, and 27 of those properties are being presented as nuisances that need to be taken care of.

Ms. Bush answered questions from the Council and public.

- 4.E. Approve Resolution No. 2024-13 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

Motion to approve Resolution No. 2024-13 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution. This motion, made by Calvin and seconded by Rambali, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.F. Discussion regarding increasing the City of McCook's lease payment from NPPD by .5%.

City Manager Schneider reviewed the information presented in his City Manager's report

After discussion, Mayor Taylor requested the staff move forward and placed consideration of the increase on the July 1 agenda.

- 4.G. Ordinance No. 2024-3080 amending the City of McCook's Code of Ordinances by adding Chapter 75, Sections 75.01 through and including Section 75.99, under title VII Traffic Code.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3080 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES; AMENDING TITLE VII: TRAFFIC CODE, ADDING CHAPTER 75: UTILITY-TYPE VEHICLES; PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES AND ALLOW THE OPERATION OF UTILITY-TYPE VEHICLES ON CITY STREETS AND SETTING FORTH THE PROVISIONS UNDER WHICH UTILITY-TYPE VEHICLES MAY BE OPERATED; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE..

Ordinance No. 2024-3080 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Rambali and seconded by Calvin.

City Manager Schneider reviewed the information presented in his City Manager's report.

Police Chief Hodgson was present to address questions from the Council.

Maggie Repass spoke in support of the ordinance.

Mayor Taylor called the question for the motion on the floor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

4.H. Ordinance No. 2024-3081 amending Section 95.35 Weeds, Litter, Stagnant Water; adding additional provisions which include all specific nuisances listed in Section 95.02 of the McCook Code of Ordinances.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3081 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 95, ENTITLED "NUISANCE; HEALTH AND SANITATION", SECTION 95.35(G) - WEEDS, LITTER, STAGNANT WATER, ADDING SUBSECTION (F) LISTING SPECIFIC NUISANCES; TO PROVIDE THAT THIS ORDINANCE SHALL BE MADE A PART OF THE CITY OF MCCOOK CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE AND PUBLICATION THEREOF.

Ordinance No. 2024-3081 has been introduced, read by title, and I move to approve upon its first of three readings. This motion, made by Calvin and seconded by Taylor.

City Manager Schneider reviewed the information presented in his City Manager's report.

Mayor Taylor called the question for the motion on the floor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Tysha Park stated that she had something to discuss with the Council that was not on the agenda. City Attorney Mustion informed Ms. Park that only items on the agenda can be discussed and requested that she stop by the office to set a time to meet with the appropriate individual to discuss her concerns.

4.I. Update regarding the swimming pool project and ballpark project.

Assistant City Manager Koetter gave a review of the June 10 progress meeting for the swimming pool. They are working hard to complete the project, no definite opening date has been given.

The ballpark project will be considered later on in the agenda.

4.J. Council Comments.

There were no council comments.

- 4.K. 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 real estate purchase for Sports Complex.

Motion to go into executive session for the protection of public interest for a strategy session with respect to real estate purchase for a Sports Complex at 6:57 P.M. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor 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 real estate purchase for a Sports Complex. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, Assistant City Manager Koetter, City Clerk Doak, Public Works Director Potthoff.

I move to come out of executive session at 7:30 P.M. This motion, made by Calvin and seconded by Weedin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.L. Approve Resolution No. 2024 -14 approving a Real Estate Purchase Agreement between John D. Walters and Deborah D. Walters and the City of McCook for real property legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska.

Motion to approve Resolution No. 2024 -14 approving a Real Estate Purchase Agreement between John D. Walters and Deborah D. Walters and the City of McCook for real property legally described as: Part of the Northwest Quarter (NW1/4) Northwest Quarter (NW1/4); Northeast Quarter (NE1/4) Northwest Quarter (NW1/4); Southwest Quarter (SW1/4) Northwest Quarter (NW1/4); and part of the Southeast Quarter (SE1/4) Northwest (NW1/4), Section Nineteen (19), Township Three (3), Range Twenty-nine (29), West of the 6th P.M., Red Willow County, Nebraska. This motion, made by Calvin and seconded by Taylor, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedin: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

- 4.M. 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 7:32 P.M. This motion, made by Calvin and seconded by Weedon, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Mayor Taylor 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 executive session were City Manager Schneider, City Attorney Mustion, Assistant City Manager Koetter, City Clerk Doak, Police Chief Hodgson.

I move to come out of executive session at 7:44 P.M. This motion, made by Weedon and seconded by Calvin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

4.N. Adopt Resolution No. 2024-12 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2024 to September 30, 2026, and authorize the Mayor to sign said agreement.

Motion to adopt Resolution No. 2024-12 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2024 to September 30, 2026, and authorize the Mayor to sign said agreement. This motion, made by Weedon and seconded by Calvin, passed.

Muehlenkamp: ABSENT, Taylor: YEA, Calvin: YEA, Weedon: YEA, Rambali: YEA
YEA: 4, NAY: 0, ABSENT: 1

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 7:45 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer