

McCook City Council
August 5, 2024
5:30 P.M.

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, Weedin, Muehlenkamp, Rambali.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Police Chief Hodgson, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 1, 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. Invocation was provided by Jeff Donelan, McCook Evangelical Free Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

1. Announcements & Recognitions.

Police Chief Hodgson announced that the Police Department was recognized by Lexipol for excellence in training management and the amount of training completed this last year.

City Manager Schneider stated that the City of McCook tragically lost fellow employee Wayne Cook on July 18. He extended condolences to his wife Jenny, his family, and to the Transfer Station employees. He also informed the Council that a Planning Commission meeting is scheduled for Monday, August 12, 2024 at 5:15 and a special meeting for the Budget Workshop is scheduled for Tuesday, August 13, 2024 at 5:30 P.M.

2. Public Hearings.

2.A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review committee regarding meeting held July 22, 2024.

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 July 22, 2024 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated August 5, 2024 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the July 22, 2024 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (10 pages); and Exhibit #4 - the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee (4 pages).

Charlie McPherson, McCook Economic Development Director, reviewed the information presented in Exhibit #3 and Amanda Engell, McCook Economic Development Director of Housing Development, updated the Council on the various housing projects ongoing in McCook.

2.B. Accept the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to accept the minutes of the April 22, 2024 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Muehlenkamp and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

3. Consent Agenda.

**The Consent Agenda is approved on one motion. Any item listed on the Consent Agenda may, by the request of any single Council member or public in attendance, be considered as a separate item under the Regular Agenda.*

Councilmember Weedin requested that Item 3.E. be removed from the Consent Agenda and placed on the Regular Agenda.

Councilmember Calvin requested that Item 3.B. be removed from the Consent Agenda and placed on the Regular Agenda.

Motion to approve the remaining Consent Agenda. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

3.A. Approve the minutes of the July 15, 2024 regular City Council meeting.

3.C. Award the bid for two new Refuse Transport Trailers to KNL Holdings, LLC. in the amount of \$99,998 that being the best responsive bid.

- 3.D. Approve the request from Kris Hanchera on behalf of the Peace Lutheran Church to utilize city-owned property at Felling Field and to close the alley between Felling Field and Peace Lutheran Church for their annual Back to School of Religion Kickoff event on Wednesday, September 4, 2024 from 5:00 P.M. to 8:00 P.M.
- 3.F. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing underground fiber optic conduit and cable at East "C" Street and East 10th Street.
- 3.G. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing one underground fiber optic conduit, cable and two new ground level vaults located between East "C" Street and on the East side of East 9th Street
- 3.H. Declare one 4,500-gallon poly tank surplus and authorize staff to dispose of it in the appropriate legal manner.

4. Regular Agenda.

- 3.B. Approve the Grant of License with Mark and Betty Wilcox for the use of City of McCook property on a portion of land located in the Southeast Quarter of Section 29, Range 3, Township 29 for the purpose of installing irrigation infrastructure to maintain the property and authorize the Mayor to sign.

Councilmember Calvin questioned the map and the location of the area included in the Grant of License.

I move to approve the Grant of License with Mark and Betty Wilcox for the use of City of McCook property on a portion of land located in the Southeast Quarter of Section 29, Range 3, Township 29 for the purpose of installing irrigation infrastructure to maintain the property and authorize the Mayor to sign. This motion, made by Calvin and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

- 3.E. Approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing one above-ground fiber cabinet on East 11th Street.

Motion to approve an application from Great Plains Communications to occupy city right-of-way for the purpose of installing one above-ground fiber cabinet on East 11th Street. This motion, made by Weedin and seconded by Calvin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

4.A. Update regarding the ballpark project.

A meeting is scheduled with Moody's at 2:30 P.M. tomorrow to begin the bond rating process for

the City of McCook, the proposed time line from D.A. Davidson has the closing of the bonds on September 20 and the closing of the land purchase on October 2; a meeting will be scheduled with the Ball Park Committee; and staff has discussed with Craig Bennett of Miller and Associates to begin planning of the area and subdivision for the sports complex.

4.B. Discussion regarding the proposed UTV ordinance.

Police Chief Hodgson presented information comparing McCook's proposed ordinance with the ordinances for Wahoo, Scottsbluff, Norfolk, Sidney, Crete, Columbus, and Ogallala.

City Attorney Mustion reviewed his memorandum to the Council which stated that after review of current safety standards and potential risks associated with using UTV's within the city limits, specifically concerning the age of the passengers; he recommended limiting the age of passengers in UTV's to those over eight.

City Manager Schneider expressed concerns regarding the addition of liability issues to the city by not enforcing an age restriction.

Members of the Wagner family spoke in support of an ordinance allowing the use of Golf Carts.

After discussion, it was the consensus of the Council to have the final reading of the ordinance, without the revision for an age restriction, at the August 19 meeting.

4.C. Council Comments.

There were no council comments.

4.D. Annual evaluation of the job performance of City Manager Nathan A. Schneider; as allowed by state law, upon a majority vote, the Council may go into Closed Session for consideration of this item.

Motion to go into executive session for the annual evaluation of the job performance of City Manager Nathan A. Schneider at 6:27 P.M. This motion, made by Calvin and seconded by Taylor, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

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 annual evaluation of the job performance of City Manager Nathan A. Schneider. The Council will reconvene in public session following this closed session.

City Manager Schneider and City Clerk Doak were included in the executive session.

Motion to come out of executive session at 6:32 P.M. This motion, made by Taylor and seconded

by Muehlenkamp, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:33 P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer