

McCook City Council
September 16, 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, 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, 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 September 12, 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 Kelley, Memorial Methodist 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 introduced Gerry Hunter as the new Detective and James Wright as a new Patrol Officer for the Police Department.

2. Proclamations.

- 2.A. Approve a proclamation designating September 17 through 23, 2024 as "Constitution Week" and authorize the Mayor to sign.

Motion to approve a proclamation designating September 17 through 23, 2024 as "Constitution Week" and authorize the Mayor to sign. This motion, made by Taylor and seconded by Weedon, passed.

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

3. Public Hearings.

- 3.A. Public Hearing - Regarding the request from Josiane Dominguez to move a house owned by Michael and Linda Nielsen from 409 West 1st Street to 72052 N US Hwy 83, said property located outside the limits of the City of McCook, Nebraska, as well as the City's extraterritorial jurisdiction.

Motion to remove from the agenda, at the request of the applicant Josiane Dominguez, Items 3.A. and 3.B. This motion, made by Muehlenkamp and seconded by Taylor, passed.

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

- 3.B. Conditionally approve the request from Josiane Dominguez to move a house owned by Michael and Linda Nielsen from 409 West 1st Street to 72052 N US Hwy 83, said property located outside the limits of the City of McCook, Nebraska, as well as outside City's extraterritorial jurisdiction.

- 3.C. Public Hearing - Regarding modifications to McCook Zoning Ordinance No. 2016-2929, Article 3 - Definitions, adding Shouse, prohibiting Shouse in Article 8 - Residential Low Density District (RL), Article 9 - Residential Medium Density District (RM), Article 10 - Residential Medium Density - Mobile Home District (RM-M), and Article 11 - Residential High Density District (RH); reducing the maximum height provision for accessory buildings from 35 feet to 25 feet in Article 8 - Residential Low Density District (RL), Article 9 - Residential Medium Density District (RM), Article 10 - Residential Medium Density - Mobile Home District (RM-M) and Article 11 - Residential High Density District (RH); and amending accessory buildings maximum height requirement in Article 21 - Supplementary District Regulations, Section 2103 from 20 feet to 25 feet.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment regarding proposed modifications to McCook Zoning Ordinance No. 2016-2929, Article 3 - Definitions, adding Shouse, prohibiting Shouse in Article 8 - Residential Low Density District (RL), Article 9 - Residential Medium Density District (RM), Article 10 - Residential Medium Density - Mobile Home District (RM-M), and Article 11 - Residential High Density District (RH); reducing the maximum height provision for accessory buildings from 35 feet to 25 feet in Article 8 - Residential Low Density District (RL), Article 9 - Residential Medium Density District (RM), Article 10 - Residential Medium Density - Mobile Home District (RM-M) and Article 11 - Residential High Density District (RH); and amending accessory buildings maximum height requirement in Article 21 - Supplementary District Regulations, Section 2103 from 20 feet to 25 feet, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 16, 2024 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published (1

page); Exhibit #3 - Proposed Ordinance No. 2024-3090 (5 pages); and Exhibit #4 - email from Tyler Neal (1 page).

City Manager Schneider reviewed the information contained in Exhibit #1 and noted that at the Planning Commission meeting held just before the Council meeting, unanimously recommended approval to the City Council the changes contained in proposed Ordinance No. 2024-3090.

Tyler Neal spoke in support of the proposed changes.

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

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

YEA: 5, NAY: 0

3.D. Consider Ordinance No. 2024-3090 implementing modifications to McCook Zoning Ordinance No. 2016-2929.

Mayor Taylor introduced Ordinance No. 2024-3090 and asked the Clerk to read it by title. The Clerk read the title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2016-2929, AMENDING ARTICLE 3 - DEFINITIONS, ADDING SHOUSE; AMENDING ARTICLE 8 - RESIDENTIAL LOW DENSITY DISTRICT (RL), ARTICLE 9 - RESIDENTIAL MEDIUM DENSITY DISTRICT (RM), ARTICLE 10 - RESIDENTIAL MEDIUM DENSITY-MOBILE HOME DISTRICT (RM-M), AND ARTICLE 11 - RESIDENTIAL HIGH DENSITY DISTRICT (RH), PROHIBITING A SHOUSE AND REDUCING THE MAXIMUM HEIGHT PROVISION FOR ACCESSORY BUILDINGS FROM 35' TO 25'; AND AMENDING ARTICLE 21 - SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 2103 CHANGING THE ACCESSORY BUILDINGS MAXIMUM HEIGHT REQUIREMENT FROM 20' TO 25'; PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2024-3090 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 Muehlenkamp, passed.

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

YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2024-3090. This motion, made by Weedon and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

Mayor Taylor stated for the record that Ordinance No. 2024-3090 is declared lawfully passed and

adopted upon publication as required by law.

3.E. Public Hearing - consider the 2025 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 2025 McCook Plan of Street Improvements with the City Attorney to act as hearing officer. This motion, made by Weedon and seconded by Taylor, passed.

Taylor: YEA, Calvin: YEA, Weedon: 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 September 16, 2024 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - proposed Resolution No. 2024-25 (1 page); Exhibit #4 - One Year Street Plan (1 page); Exhibit #5 - Long Range Street Plan (1 page); Exhibit #6 - Map of 2025 - Plan of Street Improvements (1 page); Exhibit #7 - 2025 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.

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

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

3.F. Adopt Resolution No. 2024-25 approving the 2025 McCook Plan of Street Improvements.

Motion to adopt Resolution No. 2024-25 approving the 2025 McCook Plan of Street Improvements. This motion, made by Calvin and seconded by Weedon, passed.

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

4. Consent Agenda.

Motion to approve the consent agenda. This motion, made by Weedon and seconded by Rambali, passed.

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

4.A. Approve the minutes of the September 3, 2024 regular City Council meeting and the September 3, 2024 Budget Hearing.

4.B. Approve and authorize the Mayor Linda Taylor to sign a Memorandum of Understanding between the City of McCook and the McCook Professional Firefighters Association, Local 2100, allowing for one additional floating holiday to be added to the controlling

collective bargaining agreement and amending the collective bargaining unit's contractual pay grid to reflect the finds in the recently completed wage study.

- 4.C. Declare the abandoned, unclaimed, surplus vehicles and property as surplus city property to be disposed of in the appropriate legal manner.
- 4.D. Receive and file an Agreement for the Provision of Limited Professional Services with Miller & Associates, Consulting Engineers, P.C., for the purpose of developing a Redevelopment Plan and assisting with the preparation of Funding Application for the Municipal Infrastructure Aid Program (MIAP) for a Sportsplex in the City of McCook.
- 4.E. Approve Resolution No. 2023-24 adopting the First Amendment to the City of McCook, Nebraska Firefighters Retirement, said amendment is to adopt certain changes enacted under the Cities of the First Class Firefighters Retirement Act, and to adopt other changes required by applicable law.
- 4.F. Approve Resolution No. 2024-20 amending and updating the City of McCook's employee handbook to include one additional floating holiday in Section 7.12 - Holidays.
- 4.G. Receive and file the claims for the month of August 2024, published September 12, 2024.
- 4.H. Approve Resolution No. 2024-26 authorizing the Mayor to sign the 2024 Municipal Annual Certification of Program Compliance to the Nebraska Board of Public Roads Classifications and Standards.
- 4.I. Receive and file the Financial Report for the period ending August 31, 2024.
- 4.J. Approve the Grant of License with Kyle Dellevoet (owner) and Nicholas Wright (owner under contract) for the use of a portion of City of McCook property located in Lot 1, Block 7, Second Addition to the City of McCook, Red Willow County, Nebraska, for the purpose of installing a 6' wood privacy fence and authorize the Mayor to sign.

5. Regular Agenda.

- 5.A. Presentation from Erica Bush with WCNDD (West Central Nebraska Development District) in regards to properties in their designated area that should be declared a nuisance, properties that should be rescinded from previous declaration of nuisance, and properties that need abatement.

Erica Bush, WCNDD, gave a presentation regarding properties in their designated area that should be declared a nuisance, properties that should be rescinded from previous declaration of nuisance, and properties that need abatement.

- 5.B. Approve Resolution No. 2024-21 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution.

Motion to approve Resolution No. 2024 -21 approving the designation of nuisance properties as deemed by WCNDD and as declared in the Resolution. This motion, made by Weedon and seconded by Taylor, passed.

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

YEA: 5, NAY: 0

- 5.C. Approve Resolution No. 2024-22 approving the rescinding a portion of Resolution No. 2024-13 which previously declared certain properties a nuisance and which now have been abated and cleared of the nuisance as deemed by WCNDD and as declared in the Resolution.

Motion to approve Resolution No. 2024-22 approving the rescinding a portion of Resolution No. 2024-13 which previously declared certain properties a nuisance and which now have been abated and cleared of the nuisance as deemed by WCNDD and as declared in the Resolution. This motion, made by Calvin and seconded by Weedon, passed.

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

YEA: 5, NAY: 0

- 5.D. Approve Resolution No. 2024-23 approving the rescinding of a portion of Resolution No. 2024-17 which previously declared certain properties a nuisance and which now have been abated and cleared of the nuisance as deemed by WCNDD and as declared in the Resolution.

Motion to approve Resolution No. 2024-23 approving the rescinding of a portion of Resolution No. 2024-17 which previously declared certain properties a nuisance and which now have been abated and cleared of the nuisance as deemed by WCNDD and as declared in the Resolution. This motion, made by Muehlenkamp and seconded by Taylor, passed.

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

YEA: 5, NAY: 0

- 5.E. Approve WCNDD's Motion to Abate for the properties located at 1110 West 13th, McCook, NE, 1401 West "M", McCook, NE, 1111 West 12th, McCook, NE, and 1201 West 13th, McCook, NE be abated.

Motion to approve WCNDD's Motion to Abate for the properties located at 1110 West 13th, McCook, NE, 1401 West "M", McCook, NE, 1111 West 12th, McCook, NE, and 1201 West 13th, McCook, NE be abated. This motion, made by Weedon and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

- 5.F. Ordinance No. 2024-3085 providing for the adoption of the budget for FY 2024/2025.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3085 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. 2024-3085 has been read by title and I move to approve upon its third and final reading. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

Mayor Taylor stated for the record that Ordinance No. 2024-3085 is declared lawfully passed and adopted upon publication as required by law.

City Manager Schneider noted that the budget included adjustments to city salaries, as required under Nebraska's Industrial Relations Act, that were substantially below those requirements as identified in a recent salary survey; new capital included were a cruiser for the Police Department, sewer main connection repairs for the Library, and a used dump truck, mower, pickup/plow for the Public Works Department; and a 30% increase to liability, property, and casualty insurance premiums.

5.G. Ordinance No. 2024-3086 providing for the adoption of the FY 2024/2025 Fiscal Year Employee Classification Pay Plan.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3086 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2024/2025 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. 2024-3086 has been read by title, and I move to approve upon its third and final reading. This motion, made by Weedin and seconded by Rambali, passed.

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

Mayor Taylor stated for the record that Ordinance No. 2024-3086 is declared lawfully passed and adopted upon publication as required by law.

City Manager Schneider noted that the plan ties the recently completed Wage Study.

5.H. Ordinance No. 2024-3088 providing for the amendment of Chapter 38: Appendix E, Water Department Rates and Fees.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3088 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE

- APPENDIX E , WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2024-3076 AND ANY AND 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. 2024-3088 has been read by title and I move to approve upon its second of three readings. This motion, made by Muehlenkamp and seconded by Taylor, passed.

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

YEA: 5, NAY: 0

5.I. Ordinance No. 2024-3089 providing for the amendment of Chapter 38: Appendix D, Sewer Department Rates and Fees.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3089 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2024-3077 AND 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. 2024-3089 has been read by title and I move to approve upon its second of three readings. This motion, made by Weedin and seconded by Rambali, passed.

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

YEA: 5, NAY: 0

5.J. Ordinance No. 2024-3087 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3087 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2023-3072 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2024-3087 has been read by title and I move to approve upon its second of three readings. This motion, made by Rambali and seconded by Muehlenkamp, passed.

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

YEA: 5, NAY: 0

5.K. Consider Ordinance No. 2024-3091 setting the salary and compensation of City Manager Nathan A. Schneider.

Mayor Taylor introduced Ordinance No. 2024-3091 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. 2024-3091 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 Muehlenkamp, passed.

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

Motion for final passage of Ordinance No. 2024-3091. This motion, made by Calvin and seconded by Weedon, passed.

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

Mayor Taylor stated for the record that Ordinance No. 2024-3091 is declared lawfully passed and adopted upon publication as required by law.

5.L. Council Comments.

There were no council comments.

Adjournment.

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:51P.M.

Linda Taylor, Ex-officio Mayor
and Council President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer