

McCook City Council  
December 2, 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, Weedin, Muehlenkamp, Rambali.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Utilities Director Fawver, Fire Chief Harpham, Police Chief Hodgson, Public Works Director Potthoff, Senior Services Director Siegfried, Airport Maintenance Operator Ken Vontz.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 27, 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 Jeremy LaBrie, 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. Reorganization of the City Council.**

1.A. Administer oath of office for the newly elected Councilmembers Jerry Calvin and Darcy Rambali.

City Clerk Doak administered the oath of office to the newly elected Councilmembers Jerry Calvin and Darcy Rambali.

1.B. Election of Mayor.

City Manager Schneider called for nominations from the Council for the office of Mayor (President) of the council. Jerry Calvin nominated Linda Taylor. Darcy Rambali seconded the nomination. There being no further nominations, the nominations were declared closed. The yeas and nays were called and the vote was as follows: Calvin: YEA, Muehlenkamp: YEA, Rambali: YEA, Taylor: YEA, Weedin: YEA. Linda Taylor was elected as Mayor (President) of the Council.

**1.C. Election of Vice President of Council.**

City Manager Schneider called for nominations from the Council for the office of Vice President of the council. Linda Taylor nominated Jerry Calvin. Jared Muehlenkamp seconded the nomination. There being no further nominations, the nominations were declared closed. The yeas and nays were called and the vote was as follows: Calvin: YEA, Muehlenkamp: YEA, Rambali: YEA, Taylor: YEA, Weedin: YEA. Jerry Calvin was elected as Vice President of the Council.

**1.D. Determination of seating order.**

Based on policy set by previous Council, the Councilmembers at this time chose their seats by seniority. The seat order for the Council shall be:

From left to right. Councilmember Rambali, Councilmember Weedin, Mayor Taylor, Councilmember Calvin, and Councilmember Muehlenkamp.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Consent Agenda.**

Motion to approve the 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 November 18, 2024 regular City Council meeting.
- 3.B. Approve the bid from Wagner Ford for one (1) new current model year all-wheel drive or 4-wheel drive police interceptor/pursuit utility vehicle without the Read for the Road package at \$45,179.00.
- 3.C. Approve the application for Century Link/Lumen to occupy city right-of-way for the purpose of installing underground fiber optic conduit, cable, and one ground level vault on Airport Road and Airport property.
- 3.D. Authorize the Mayor to sign the Certificate of Compliance for the 2024 Maintenance Agreement between the City of McCook and the Nebraska Department of Transportation.
- 3.E. Approve the renewal of Maintenance Agreement No. 17 between the Nebraska Department of Transportation and the Municipality of McCook and authorize the Mayor to sign.

#### **4. Regular Agenda.**

4.A. Approve the selection of Mammoth Sports Construction to serve as the design company for the sports complex project.

City Manager Schneider informed the Council that RFQ's were submitted by seven firms. On November 21<sup>st</sup>, the committee conducted in-person interviews with representatives of RDG Planning & Design, Clark & Enersen, JEO Consulting Group, Inc., Hellas Construction, Inc., and Mammoth Sports Construction. On November 25<sup>th</sup>, the committee held a meeting to discuss the qualifications of each firm relative to the scoring criteria outlined in the RFQ. Each member of the committee ranked the five firms based on the criteria specified in the RFQ via a uniform scorecard.

Based upon the criteria established in the RFQ, the committee recommends Mammoth Sports Construction to serve as the City's designer for the McCook sports complex project. All of the firms performed extremely well during the selection process. Staff would like to acknowledge the work and effort the committee put into the selection process, they spent numerous hours evaluating the candidates.

Motion to approve the selection of Mammoth Sports Construction to serve as the design company for the sports complex project. This motion, made by Rambali and seconded by Calvin, passed.  
Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

4.B. Update regarding the sports complex project.

Nothing was added to information presented in Regular Agenda Item 4.A.

4.C. Discuss a request from Charlie McPherson to secure an easement from the City of McCook for property identified as Parcel #000953100, said easement to be used to secure permanent access to property east of the City parcel.

Charlie McPherson stated that he has purchased a lot (Red Willow County Parcel #001428200) with plans to eventually build a house. This property is situated directly behind the house on Apollo Street. After purchasing the property it was discovered it lacks road or street access. The previous owner accessed the property via a verbal agreement with the owner to the south. The owner to the south looking to sell the property and declined to provide a permanent easement from the south. Mr. McPherson requested that the Council consider an easement on property owned by the City of McCook, identified as Red Willow County Parcel #000953100. The easement would provide permanent access to his property located to the east.

After discussion, it was the consensus of the Council to have an easement prepared to be brought back for consideration and approval.

4.D. Receive and file a presentation from city staff updating the Fixed Base Operator (FBO) status at the McCook Ben Nelson Regional Airport.

City Manager Nate Schneider provided an update outlining the City's efforts over the past few weeks to ensure continued operations at the airport. He acknowledged the hard work of Public Works Director Kyle Potthoff, Airport Maintenance Operator Ken Vontz, and Assistant City Manager Tera Koetter, who played a crucial role in organizing the airport's response. Before Red Willow Aviation filed bankruptcy on November 15, 2024, we began contacting other aviation providers to create contingency plans.

Realizing the importance of uninterrupted fueling services for the airport, former Red Willow Aviation employees, were contacted to see if they would be interested in continuing their roles as independent contractors for the City. Their experience, familiarity with airport operations, and ability to deliver fueling services efficiently will be a positive for the airport. Staff is working on the independent contractor agreements with the former employees,

With the bankruptcy filed as a Chapter 7, Red Willow Aviation's assets, including equipment and facilities, were now under the control of a bankruptcy trustee. Following the filing, the trustee was contacted to express the City's concerns and intentions regarding future airport operations. Work began on a lease agreement to allow the City to operate from the airport's buildings and utilize the necessary equipment owned by the fixed base operator (FBO), Red Willow Aviation. The trustee was receptive to the City's plans and required that we obtain insurance and indemnification to protect the trustee's interests. Staff is working with insurance representatives to finalize details on insurance coverage, including property and casualty liability, and workers' compensation for the independent contractors.

Because of this unfortunate situation, staff began working with the FAA and Nebraska Department of Transportation to move a non-airside project, a fueling station, ahead in priority over airside capital improvement needs. The fueling station has been on the City's Capital Improvement Program data sheet for several years. Their flexibility in fast-tracking this project despite the typical requirements prioritizing airside developments is greatly appreciated during a challenging time.

City Manager Schneider noted that long-term, due to budget constraints, the City will not be able to provide FBO services at the airport.

**4.E. Ratify the Lease Agreement between the City of McCook and John D. Stalnaker, Chapter 7 Bankruptcy Trustee for the Bankruptcy Estate of Red Willow Aviation & Spraying, Inc.**

Motion to ratify the Lease Agreement between the City of McCook and John D. Stalnaker, Chapter 7 Bankruptcy Trustee for the Bankruptcy Estate of Red Willow Aviation & Spraying, Inc. This motion, made by Calvin and seconded by Rambali, passed.

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

**4.F. Authorize the use of City of McCook's City Council contingency line item to assist with funding fueling operations at the McCook Ben Nelson regional airport during the pendency of the Red Willow Aviation bankruptcy.**

Motion to authorize the use of City of McCook's City Council contingency line item to assist with funding fueling operations at the McCook Ben Nelson regional airport during the pendency of the Red Willow Aviation bankruptcy. This motion, made by Rambali and seconded by Weedin, passed. Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA  
YEA: 5, NAY: 0

4.G. Ordinance No. 2024-3094 amending the City of McCook Code of Ordinances by revising Section 90.33 -Dangerous Dogs and/or Hybrid Animals Prohibited; Terms, Defined; Section 90.36 - Dangerous Dogs and/or Hybrid Animals; Confiscation, When; Costs; and Section 90.45 - Impoundment of Animals Without Immunization Tags; Disposition of Impounded Animals.

Mayor Taylor asked the Clerk to read Ordinance No. 2024-3094 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES CHAPTER 90, ENTITLED "ANIMALS"; SECTION 90.33 - DANGEROUS DOGS AND/OR HYBRID ANIMALS PROHIBITED; SECTION 90.36 - DANGEROUS DOGS AND/OR HYBRID ANIMALS; CONFISCATION, WHEN; COSTS; AND SECTION 90.45 - IMPOUNDMENT OF ANIMALS WITHOUT IMMUNIZATION TAGS; DISPOSITION OF IMPOUNDED ANIMALS; 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. 2024-3094 has been read by title and I move to approve upon its second of three readings. This motion, made by Weedin and seconded by Taylor, passed.

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

4.H. Council Comments.

Council thanked staff for their work to ensure that the City will be able to provide fueling service at the airport.

### **Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:26 P.M.

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Linda Taylor, Ex-officio Mayor  
and Council President

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer