

MCCOOK CITY COUNCIL
October 5, 2015
6:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, McDowell, Weedon.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham, 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 October 1, 2015, 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 Acknowledgment 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. No one was present for the Invocation. 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.

Bruce McDowell, speaking for his wife Kathy, thanked the Public Works Director Potthoff and his staff for the excellent job that they do maintaining the disc golf course. The golf tournament held this past weekend as a fund raiser for Prairie Plains CASA was a great success.

2. Announcements & Recognitions.

City Manager Schneider updated the Council on the progress of the Skatepark, they are hoping to wrap up this coming week; informed the Council that Faith in Action worked this past weekend on various projects around town, including the cleanup of some of the nuisance properties; and introduced Barry Mooney as the new Building Inspector, he has nine years of experience serving as the Building Official for the City of Russell, Kansas, his first day was September 28.

Senior Services Director Siegfried informed the Council that Public Transit Driver Mike Brown placed third in the Transit Driver Rodeo held recently in Kearney. Twenty-eight drivers participated in the rodeo.

3. Proclamation:

A. Approve the proclamation designating the month of October 2015 as "Adopt-A-Dog Month"

in the City of McCook and authorize the Mayor to sign.

Lorie Prestes, Director of the McCook Humane Society, was present to make the request.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to approve the proclamation designating the month of October 2015 as "Adopt-A-Dog Month" in the City of McCook and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the proclamation designating October 4 - 10, 2015 as "Fire Prevention Week" and authorize the Mayor to sign.

Fire Chief Harpham addressed the proclamation with the Council and recognized Firefighter Shane Smith for the all he has done as the Department's Public Education Coordinator in putting a program together for Fire Prevention Week.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating October 4 - 10, 2015 as "Fire Prevention Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

4. Consent Agenda:

Councilmember Calvin requested that Item D be removed for the Consent Agenda and placed on the Regular Agenda.

- A. Approve the minutes of the September 21, 2015 regular City Council meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedin, the Council voted to approve the minutes of the September 21, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Ratify the Mayor's appointment to the Housing Agency Board - appoint Kristin Stagemeyer to replace Judy Keenportz for remaining term - term expires November 2017 and the Pool Committee - appoint Jan Smith, Norma Stevens, Wayne Michaelis, Kim Tietz, Sharlynn Coleman, Tracy Flaska, Chelsey Hartwell, Tom Wiemers, Grant Norgaard, Sherri Rothmeyer, Linda Frank, Jon Graff, and Ronda Graff.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedin, the Council voted to ratify the Mayor's appointment to the Housing Agency Board - appoint Kristin Stagemeyer to replace Judy Keenportz for remaining term - term expires November 2017 and the Pool Committee - appoint Jan Smith, Norma Stevens, Wayne Michaelis, Kim Tietz, Sharlynn Coleman, Tracy Flaska, Chelsey Hartwell, Tom Wiemers, Grant Norgaard, Sherri Rothmeyer, Linda Frank, Jon Graff, and Ronda Graff. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Approve the McCook Urban Area Boundaries Map as required by Federal Highway Administration (FHWA) and authorize the Mayor to sign.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedin, the Council voted to approve the McCook Urban Area Boundaries Map as required by Federal Highway Administration (FHWA) and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- E. Award the contract for the replacement of the Centennial Drive Water Main to BSB Construction of Curtis, Nebraska, in the amount of \$36,727 as the lowest responsible bidder.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedin, the Council voted to award the contract for the replacement of the Centennial Drive Water Main to BSB Construction of Curtis, Nebraska, in the amount of \$36,727 as the lowest responsible bidder. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5. Regular Agenda:

- 4D. Receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Policies.

Councilmember Calvin introduced a motion to receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Policies. Motion was seconded by Councilmember McDowell.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to amend the presented Summary of Policies on page 3, Item 8, striking the last sentence, "Citation for violations will be handled on a complaint basis." The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The Mayor then stated the question: "Shall the motion on the floor be approved as amended?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried.

- A. Approve on second reading Ordinance No. 2015-2921 vacating the dedicated alley located directly to the south of Lot 28, Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska.

Considered on its second reading, Ordinance No. 2015-2921 entitled:

AN ORDINANCE TO VACATE THE DEDICATED ALLEY LOCATED DIRECTLY TO THE SOUTH OF LOT TWENTY-EIGHT (28), BLOCK ONE (1), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF 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. 2015-2921 was read by title only. Motion was made by Councilmember Weedin, seconded by Councilmember McDowell, to approve Ordinance No. 2015-2921 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance

No. 2015-2921 approved on its second reading.

- B. Approve on second reading Ordinance No. 2015-2922 creating a new 20 foot alley to replace the vacated alley located directly to the south of Lot 28, Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska.

Considered on its second reading, Ordinance No. 2015-2922 entitled:

AN ORDINANCE CREATING A NEW TWENTY FOOT (20') ALLEY TO REPLACE THE VACATED ALLEY LOCATED DIRECTLY TO THE SOUTH OF LOT TWENTY-EIGHT (28), BLOCK ONE (1), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR THE DEDICATION OF SAID ALLEY; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF 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. 2015-2922 was read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Weedin, to approve Ordinance No. 2015-2922 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2922 approved on its second reading.

- C. Approve on second reading Ordinance No. 2015-2923 authorizing the sale of Part of Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska, more particularly described as follows: Beginning at the SW corner of Lot 29, Block 1, South McCook Addition, thence N02°24'55"W (assumed and all bearings relative to) along the west line of Lot 29 a distance of 59.86 feet to the SE Corner of lot 28, thence S89°25'59"W along the south line of Lot 28 a distance of 44.19 feet to the SW corner of Lot 28, thence S00°47'07"E a distance of 59.85 feet, thence N89°26'40"E a distance of 43.80 feet to the Point of Beginning, said tract containing 2633.40 square feet more or less, subject to any easements, right-of-ways, or reservations of record.

Considered upon its second reading, Ordinance No. 2015-2923 entitled,

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO JASON MICHAELIS; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2015-2923 was read by title only. Motion was made by Councilmember McDowell, seconded by Mayor Gonzales, to approve Ordinance No. 2015-2923 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2923 approved on its second reading.

D. Council Comments.

There were no Council comments.

- E. 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 a potential real estate purchase.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to a potential real estate purchase at 7:11 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Mayor Gonzales announced that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to a potential real estate purchase. The Council will reconvene in public session following this closed session.

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

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move out of executive session at 7:31 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- F. An Executive Session may be held upon a majority vote of the Council for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to move into executive session for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation at 7:32 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Mayor Gonzales announced that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, and City Clerk Doak.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to move out of executive session at 7:56 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

■ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:57 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk