

MCCOOK CITY COUNCIL
May 1, 2017
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, Weedin.

Absent: Councilmember McDowell.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 27, 2017, 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. 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.

Scott Felker expressed concerns with bushes that need to be trimmed at the corner of West 2nd Street and West "J" Street and the corner of West 4th Street and West "J" Street; the dip at the intersection of West 5th Street and West "M" Street; and that the intersection where Missouri Avenue dead ends is extremely rough.

2. Announcements & Recognitions.

City Manager Schneider informed the Council that the Pool Committee would be meeting Tuesday, at 6:00 P.M.; that staff continues to monitor and test Barnett Park to share the results with the NDEQ for their review; and that he had visited with Lonnie Dickson of Hanna:Keelan Associates about possible language that could be included in the zoning ordinance to address issues with alley lots and alley houses.

3. Proclamations.

- A. Approve the proclamation designating the week of May 7 - 13, 2017 as "Municipal Clerks Week" in recognition of all Municipal Clerks for the vital services they perform and their dedication to the communities they represent and authorize the Mayor to sign.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the proclamation designating the week of May 7 - 13, 2017 as "Municipal Clerks Week" in recognition of all Municipal Clerks for the vital services they perform and their dedication to the communities they represent and authorize the Mayor to sign. The yeas and nays were called and the

vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- B. Approve the proclamation designating the week of May 7 - 13, 2017 as “Drinking Water Week” and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedin, the Council voted to approve the proclamation designating the week of May 7 - 13, 2017 as “Drinking Water Week” and authorize the Mayor to sign. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- C. Approve the proclamation designating May 15 as “Peace Officers Memorial Day” and the week of May 14 - 20, 2017 as “Police Week” and authorize the Mayor to sign.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating May 15 as “Peace Officers Memorial Day” and the week of May 14 - 20, 2017 as “Police Week” and authorize the Mayor to sign. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

4. Consent Agenda.

- A. Approve the minutes of the April 17, 2017 regular City Council meeting.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the minutes of the April 17, 2017 regular City Council meeting. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- B. Approve the application for a Special Designated Liquor License submitted by JBN Inc, dba “Hi Times Liquor Mart 1”, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on June 17, 2017 from 12:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by JBN Inc, dba “Hi Times Liquor Mart 1”, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on June 17, 2017 from 12:00 P.M. to 12:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- C. Approve the application for a Special Designated Liquor License submitted by JBN Inc, dba “Hi Times Liquor Mart 1”, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on July 1, 2017 from 1:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by JBN Inc, dba “Hi Times Liquor Mart 1”, Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on July 1, 2017

from 1:00 P.M. to 12:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- D. Approve the application for a Special Designated Liquor License submitted by JBN Inc, dba "Hi Times Liquor Mart 1", Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on November 4, 2017 from 12:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by JBN Inc, dba "Hi Times Liquor Mart 1", Liquor License #DK-100025, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on November 4, 2017 from 12:00 P.M. to 12:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- E. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Dick Trail - term expires November 2019; Building & Housing Code Advisory and Appeals Board - reappoint Paul Goodenberger - term expires September 2020 and appoint Gary Wiemers - term expires September 2020.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Dick Trail - term expires November 2019; Building & Housing Code Advisory and Appeals Board - reappoint Paul Goodenberger - term expires September 2020 and appoint Gary Wiemers - term expires September 2020. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- F. Receive the minutes of the March 8, 2017 Library Advisory Board meeting.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to receive the minutes of the March 8, 2017 Library Advisory Board meeting. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- G. Approve the offering of a contract to BSB Construction, Inc., with a bid of \$101,427.00 as the lowest responsible bidder for South 8th & 3rd Street Water System Improvements and authorize the Mayor to execute the necessary paper work to award the contract.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the offering of a contract to BSB Construction, Inc., with a bid of \$101,427.00 as the lowest responsible bidder for South 8th & 3rd Street Water System Improvements and authorize the Mayor to execute the necessary paper work to award the contract. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

- H. Approve the request from the McCook Area Chamber of Commerce to reserve and close the parking lot located at East 1st and "D" Streets to house the Nebraska 150 Mobile Children's Museum from 6:00 A.M. on June 8, 2017 to 10:00 P.M. on June 9, 2017.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted

to approve the request from the McCook Area Chamber of Commerce to reserve and close the parking lot located at East 1st and “D” Streets to house the Nebraska 150 Mobile Children’s Museum from 6:00 A.M. on June 8, 2017 to 10:00 P.M. on June 9, 2017. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion approved.

5. Regular Agenda.

- A. Approve Ordinance No. 2017-2948 providing for the amendment of Chapter 91 - Fire Prevention; Fireworks; Poisonous or Flammable Gas; Explosives; adding Section 91.23 Outdoor Fireplaces; of the City of McCook Code of Ordinances; creating specific rules relating to the construction and use of residential Fire Pits in McCook upon its third and final reading as amended.

Considered upon its third and final reading, Ordinance No. 2017-2948 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 91 - FIRE PREVENTION; FIREWORKS; POISONOUS OR FLAMMABLE GAS; EXPLOSIVES; ADDING SECTION 91.23 OUTDOOR FIREPLACES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF 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. 2017-2948 was read by title only and thereafter Councilmember Weedin moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2017-2948 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, Weedin. NAY: None. ABSENT: McDowell. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- B. Discuss utilizing a portion of the City of McCook’s LB840 Motor Vehicle Sales Tax funds to match a possible Nebraska Department of Roads grant from the Economic Opportunity Program.

Discussion was held regarding the use of a portion of the City of McCook’s LB840 Motor Vehicle Sales Tax funds to match a possible Nebraska Department of Roads grant from the Economic Opportunity Program.

The City Manager’s Report prepared for the meeting included the following information:

“In March, the Council/CDA authorized the use of Tax Increment Financing for the development of a chemical handling and distribution facility, with Next Generation, Inc. serving as the developer. The City of McCook has also been working on an Economic Opportunity Program grant to assist with transportation improvement costs, namely improving South Street/Ravenswood Road to account for increased truck traffic, as well as the creation of a rail spur to provide rail service to the site to be developed. The NDOR program contemplates awards of up to \$500,000 for qualifying projects. There is a match requirement of 25%. Currently, the City and Next Generation are in the process of assessing total project costs. W Design has estimated the street improvement costs at \$233,246. Additionally, the rail spur has been estimated to cost \$750,000, a cost Next Generation, Inc. will incur.

The improvements to South Street/Ravenswood Road is important for the current and future development of the Industrial Park area. The Industrial Park has been slow to develop. Over the course of approximately 20 years, only two businesses have been developed at the Industrial Park. One of the reasons for the slow growth may be the expense associated with improving South Street/Ravenswood Road. At the inception of Industrial Park, MEDC and the City of McCook established an agreement which anticipated future improvements (and corresponding expenses) necessary for the development of the area. One of the stipulations is that when the fourth lot is developed, the paving of South Street/Ravenswood Road will become a requirement. This expense could prove cost prohibitive relative to the development of the additional lots. Future lot development could be adversely impacted.

As part of the requirements associated with the Nebraska Local Option Sales Tax, sales tax receipts associated with motor vehicle purchases are separated from other retail receipts. The funds are to be used for motor vehicle related projects. Currently, the City of McCook has \$191,000 in our motor vehicle sales tax fund for street related projects. Staff is requesting that \$75,000 of these funds be set aside for the Economic Opportunity Program match requirement. The street improvements are needed to make the Industrial Park area more attractive for development. Assistance from the State of Nebraska, in addition to local funds, makes the improvement economically feasible.

As far as the rail spur, the City of McCook is not intending to use its LB 840 motor vehicle funds to pay for its construction. Next Generation, understands that the cost of the rail spur is the responsibility of Next Generation, solely. If the City of McCook receives a grand award, and if there are additional funds remaining over and above the amount needed to improve South Street/Ravenswood Road, Next Generation, Inc. should be allowed to utilize those remaining balances to offset its construction costs.”

City Manager Schneider restated that the City would only apply for the amount required for the street improvements. If Next Generation wants to apply for the remainder of the available \$500,000 grant funds to utilize for the construction of the rail spur, they would need to provide their own match.

Bill Mathies and John Hubert questioned which road would be improved; the need to address drainage issues in the area; and that the City should not provide any type of match to a private business.

C. Council Comments.

Mayor Gonzales wished Councilmember Calvin a Happy 57th Birthday; Councilmember Weedon thanked Kyle and the entire Public Works Department for the excellent job in completing the snow removal this past weekend; and the Council thanked Jesse and his staff for keeping the water system working after losing power during the same snow storm.

D. 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 confidential medical claim.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedon, the Council voted to move into an executive session for the protection of public interest for a strategy session with respect to a confidential medical claim at 7:12 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedon. NAY: None. ABSENT: McDowell. Motion approved.

Mayor Gonzales stated for the record 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 confidential medical claim. The Council will reconvene in public session following the closed session.

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

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to move out of executive session at 7:26 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, Weedon. NAY: None. ABSENT: McDowell. Motion approved.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:27 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer