

MCCOOK CITY COUNCIL  
September 18, 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 (arrived at 7:03), Calvin, McDowell, Weedin.

Absent: City Clerk-Treasurer Doak.

City Officials present: City Manager Schneider, City Attorney Mustion, Deputy City Clerk Schmidt, Police Chief Brown, Library Director Crocker, 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 September 14, 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. Invocation was provided by Fr. Gary Brethour of St. Patrick's Catholic Church. 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.**

There were no citizens comments.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Public Hearings.**

- A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held on July 31, 2017.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held on July 31, 2017 with the City Attorney to act as hearing officer. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion carried.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 18, 2017 (1 page); Exhibit #2 - Agenda of the Economic Development Plan Citizen's Advisory Review Committee quarterly meeting held Monday July 31, 2017 (1 page); Exhibit #3 -

Minutes from the Economic Development Plan Citizen's Advisory Review Committee regular meeting held Monday, April 24, 2017 (2 pages); and Exhibit #4 - McCook Groth Fund (LB840) Quarterly Reports (10 pages).

Chair of the Committee Troy Bruntz and McCook Economic Development Director Andrew Ambriz reviewed the reports presented with the Council.

There being no one else present to comment, upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, the Council voted to adjourn the public hearing and to reconvene as a City Council. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp. Motion carried.

- B. Receive and file the minutes of the April 24, 2017 Economic Development Plan Citizen's Advisory Review Committee meeting.

Upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the April 24, 2017 Economic Development Plan Citizen's Advisory Review Committee meeting. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp. Motion approved.

#### **4. Consent Agenda.**

City Staff requested the Item D be removed from the Consent Agenda and placed on the Regular Agenda.

- A. Approve the minutes of the September 5, 2017 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the September 5, 2017 regular City Council meeting. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp. Motion approved.

- B. Approve the application for a Special Designated Liquor License submitted by the McCook Economic Development Corporation for a mixer to be held at 201 East "B" Street, on October 18, 2017 from Noon to 11:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Economic Development Corporation for a mixer to be held at 201 East "B" Street, on October 18, 2017 from Noon to 11:00 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp. Motion approved.

- C. Receive and file the claims for the month of August 2017 as published September 12, 2017.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of August 2017 as published September 12, 2017. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedon. NAY: None. ABSENT: Hepp. Motion approved.

- E. Receive and file the Financial Report for the period ending August 31, 2017.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the Financial Report for the period ending August 31, 2017. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion approved.

- F. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint David Pfeffer - term expires November 2020; City/County Airport Zoning Board - reappoint Bruce McDowell - term expires September 2020; Economic Development Plan Citizen's Advisory Review Committee - reappoint Gary Wiemers and Bill Burton - terms expire July 2020 and appoint Jordan Johnson - term expires July 2020; Housing Agency - reappoint Kristin Stagemeyer - term expires November 2022; Planning Commission - reappoint Donald O. Harpst, Kurt Vosburg, and Jesse Stevens - terms expire September 2020 and appoint Camy Bradley - Alternate - term expires March 2021; Senior Citizens Advisory Board - reappoint Gene Meints - term expires September 2020 and appoint Mary Keslin and Sharon King - terms expire September 2020; and the Tree Advisory Board - appoint Connie Jo Discoe - term expires April 2023.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to ratify the Mayor's appointments to the Airport Advisory Commission - reappoint David Pfeffer - term expires November 2020; City/County Airport Zoning Board - reappoint Bruce McDowell - term expires September 2017; Economic Development Plan Citizen's Advisory Review Committee - reappoint Gary Wiemers and Bill Burton - terms expire July 2017 and appoint Jordan Johnson - term expires July 2017; Housing Agency - reappoint Kristin Stagemeyer - term expires November 2022; Planning Commission - reappoint Donald O. Harpst, Kurt Vosburg, and Jesse Stevens - terms expire September 2020 and appoint Camy Bradley - Alternate - term expires March 2021; Senior Citizens Advisory Board - reappoint Gene Meints - term expires September 2020 and appoint Mary Keslin and Sharon King - terms expire September 2020; and the Tree Advisory Board - appoint Connie Jo Discoe - term expires April 2023. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion approved.

- G. Approve Resolution No. 2017-08 amending the rates for the ambulance service operated by the City of McCook, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve Resolution No. 2017-08 amending the rates for the ambulance service operated by the City of McCook, Nebraska. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion approved.

- H. Approve an application from Great Plains Communications to occupy city right of way for the purpose of installing underground fiber optic cable and coax to provide internet and phone service to an area along West "R" Street in the Clary Subdivision and authorize the Mayor to sign the application.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve an application from Great Plains Communications to occupy city right of way for the purpose of installing underground fiber optic cable and coax to provide internet and phone service to an area along West "R" Street in the Clary Subdivision and authorize the Mayor to sign the application. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion approved.

## 5. Regular Agenda.

- 4D. Award the bid for the 2017 Street improvements to Paulsen, Inc. of Cozad, Nebraska, in the amount of \$269,603.50 and accept Community Hospital's decision on the award of Alternate #1.

Public Works Director Potthoff and Street Superintendent Wolford were available to answer questions from Council.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to award the bid for the 2017 Street improvements to Paulsen, Inc. of Cozad, Nebraska, in the amount of \$269,603.50 and accept Community Hospital's decision on the award of Alternate #1. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion approved.

- A. Discuss and approve a request from Griff Malleck, contingent upon the Nebraska Department of Transportation and the Federal Aviation Administration approval, to construct a new 150' x 225' hangar at McCook Ben Nelson Regional Airport and declare an 8 plex hangar as surplus city property and authorize staff to dispose of them at the appropriate time and in the appropriate legal manner.

Greg Wolford was present to represent Griff Malleck and answer any questions from Council.

Discussion included what a good deal this is for the city; the need at the airport for a large overnight hangar; and approval contingent on Nebraska DOT and FAA approval.

- B. Authorize the use of Community Betterment Funds to cover the rental fees for the annual Coat Closet and McCook Toy Box events to be held at the McCook City Auditorium.

Barb Ostrum was present to answer questions from Council.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to authorize the use of Community Betterment Funds to cover the rental fees for the annual Coat Closet and McCook Toy Box events to be held at the McCook City Auditorium. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, McDowell, Weedin. NAY: None. ABSENT: Hepp. Motion approved.

- C. Discuss options for the future of the "A" Street Park.

Public Works Director Potthoff reviewed with Council the park survey completed about a year ago.

Discussion included the condition of the equipment currently in the park; cost to develop the park and how to pay for improvements; currently it does not meet standards; the need for save ground cover and fencing; vehicles currently parking on the lot; the size of the lot; other purposes for the park; and possibly selling the park.

Ron Tompkins with the Cedar Motel addressed Council as to the equipment currently there and having a safe place in the neighborhood for children to play.

Council asked City staff to have a market analysis done, check guidelines/regulations that should be met if City maintains as a park, the cost to add safe ground cover and adequate fencing, and report back to Council.

- D. Approve ordinance No. 2017-2952 providing for the adoption of the budget for FY 2017/2018 upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2017-2952 entitled:

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. 2017-2952 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2017-2952 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. 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.

- E. Approve Ordinance No. 2017-2953 providing for the adoption of the 2017/2018 Fiscal Year Employee Classification Pay Plan upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2017-2953 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2017/2018 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. 2017-2953 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Weedon. The Mayor then stated the question: "Shall Ordinance No. 2017-2953 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. 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.

- F. Approve Ordinance No. 2017-2954 providing for the amendment of Appendix F, Solid Waste Collection Fees, of the City of McCook Code of Ordinances upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2017-2954 entitled:

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. 2016-2939 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. 2017-2954 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Weedon. The

Mayor then stated the question: "Shall Ordinance No. 2017-2954 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. 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.

- G. Approve Ordinance No. 2017-2951 providing for the modification of Zoning Ordinance No. 2016-2929, (a) Article 21, Supplementary District Regulations, Section 2103 - Accessory Structures, to add carports to the accessory building entrance requirements; (b) Article 21, Supplemental District Regulations, Section 2111 - Minimum Off-Street Parking, to require off-street parking stalls to be a minimum of 9 feet wide (while maintaining a minimum of 162 square feet per parking space); and (c) Article 25, Board of Zoning Adjustment, Section 2501 - Creation, Members, Meetings, Rules, to provide for one member of the Board of Zoning Adjustment to reside within the Extraterritorial Zoning Jurisdiction upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2017-2951 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2016-2929, AMENDING ARTICLE 21 - SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 2103 - ADDRESSING CARPORTS AS AN ACCESSORY BUILDING AND SECTION 2111 - ADDRESSING MINIMUM REQUIREMENTS FOR PARKING SPACES, AND AMENDING ARTICLE 25 - BOARD OF ZONING ADJUSTMENT SECTION 2501 - CHANGING THE NUMBER OF MEMBERS ON THE BOARD AND PROVIDING FOR ONE MEMBER OF THE BOARD TO RESIDE WITHIN THE EXTRATERRITORIAL ZONING JURISDICTION; 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. 2017-2951 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Weedon. The Mayor then stated the question: "Shall Ordinance No. 2017-2951 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. 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.

- H. Introduce and approve, under suspension of the rule, Ordinance No. 2017-2957 setting the salary and compensation of City Manager Nathan A. Schneider.

Mayor Gonzales introduced Ordinance No. 2017-2957 by title. The Deputy Clerk read the Ordinance by 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. 2017-2957 was introduced and read by title only. Councilmember Hepp moved that the statutory rule requiring reading on three different days be suspended. Councilmember Weedon seconded the motion to suspend the rule and the yeas and nays were called and the vote was as

follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Hepp moved for final passage of the Ordinance, which was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2017-2957 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- I. Introduce and approve on first reading Ordinance No. 2017-2958 providing for the amendment to Chapter 38: Appendix D. Sewer Department Rates and Fees.

Mayor Gonzales introduced Ordinance No. 2017-2958 by title. The Deputy Clerk read the Ordinance 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. 2016-2941 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. 2017-2958 was introduced and read by title only. Councilmember Calvin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hepp seconded the motion to suspend the rule and the yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Calvin then moved for final passage of the Ordinance, which was seconded by Councilmember Weedin. The Mayor then stated the question: "Shall Ordinance No. 2017-2958 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- J. Council Comments.

Councilmember Weedin commended the Public Works Department on how wonderful Norris Park works and that he appreciates the work they do. Public Works Director Potthoff also said that he appreciates his Public Works employees and commented that he has a great crew.

- K. 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 collective bargaining - the Fraternal Order of Police Lodge 57.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 7:32 P.M. The yeas and nays

were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. 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 collective bargaining - the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

City Manager Schneider, City Attorney Mustion, Police Chief Brown, and Deputy City Clerk Schmidt were included in the executive session.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 7:44 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

L. Adopt Resolution No. 2017-07 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2017 to September 30, 2019 and authorize the Mayor to sign said agreement.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to Adopt Resolution No. 2017-07 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2017 to September 30, 2019 and authorize the Mayor to sign said agreement. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:46 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lori D. Schmidt, Deputy City Clerk