

McCook City Council  
October 1, 2018  
6:30 PM Central

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, Weedin.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, 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 September 27, 2018, 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 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.**

McCook Chamber of Commerce Director, Jamie Mockry, thanked City Staff for all that they do to help make the Heritage Days Celebration a success.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Proclamations.**

3.A. Approve the proclamation designating the month of October 2018 as "Domestic Violence Awareness Month" and authorize the Mayor to sign.

Motion to approve the proclamation designating the month of October 2018 as "Domestic Violence Awareness Month" and authorize the Mayor to sign. This motion, made by Calvin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA

YEA: 5, NAY: 0

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

Motion to approve the consent agenda. This motion, made by Calvin and seconded by Hepp, passed.  
Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 5, NAY: 0

- 4.A. Approve the minutes of the September 17, 2018 regular City Council meeting.
- 4.B. Approve the request from the Young Professionals Group to use Kelley Park and Bolles Canyon for their Haunted Trail event to be held on October 27, 2018.
- 4.C. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Fund Raiser to be held at the McCook Municipal Auditorium, 302 West 5th Street, on November 3, 2018 from 9:00 A.M. to 2:00 A.M.
- 4.D. Receive and file the claims for the month of August 2018 as published September 10, 2018.
- 4.E. Adopt Resolution No. 2018-14 setting the property tax request for FY 2018/2019 at a different amount than the property tax request for the prior year.
- 4.F. Receive the minutes of the July 11, 2018 Library Advisory Board meeting.
- 4.G. Approve the application for a Special Designated Liquor License submitted by Tyler Schmick, Schmick's Market Inc., Liquor License #IDK-084561, for a Building Campaign event to be held at the Community Hospital - Prairie View Rooms A & B, 1301 East "H" Street, on October 18, 2018 from 3:30 P.M. to 12:00 P.M.

#### **5. Regular Agenda.**

- 5.A. Adopt Resolution No. 2018-13 approving a Professional Retail Operations Agreement between Nebraska Public Power District and the City of McCook.

Motion to adopt Resolution No. 2018-13 approving a Professional Retail Operations Agreement between Nebraska Public Power District and the City of McCook. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 5, NAY: 0

Nebraska Public Power Representatives, Stan Clouse, Jeff Peterson, and Justin Walter, were present to review the proposed agreement and to answer any questions from the Council. The new agreement sets a 24 year lease term, commencing January 1, 2019 and extending to December 31, 2043, The current lease payment to the City is 12%. The proposed agreement sets this rate at 12.5%. The proposed agreement allows for the City to implement additional one-half percent incremental

increase to an overall cap of 14%. Any one-half percent increase, if opted in the future, must be done annually and sufficient notice must be given by the City to NPPD. Lease payment will be made monthly, instead of quarterly.

- 5.B. Consider and authorize the use of Community Betterment Funds to cover the rental fees for the Annual Toy Box event to be held at the McCook City Auditorium on December 9, 2018.

Motion to authorize the use of Community Betterment Funds to cover the rental fees for the Annual Toy Box event to be held at the McCook City Auditorium on December 9, 2018. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

- 5.C. Consider and approve a request from "The Thinkery of Southwest Nebraska", to waive rental fees for use of the City Auditorium's gymnasium on October 12 and 13, 2018; utilizing Community Betterment funds as payment of waived rental fees; and allow use of the old City Office area for storage of the cardboard and as a staging area relative to a children's Global Cardboard Challenge.

Motion to approve a request from "The Thinkery of Southwest Nebraska", to waive rental fees for use of the City Auditorium's gymnasium on October 12 and 13, 2018; utilizing Community Betterment funds as payment of waived rental fees; and allow use of the old City Office area for storage of the cardboard and as a staging area relative to a children's Global Cardboard Challenge. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

- 5.D. Introduce and approve upon its first reading Ordinance No. 2018-2975 authorizing the sale of Lot 22, Block 7, Willow Grove Addition to the City of McCook, Red Willow County, Nebraska.

Mayor Gonzales introduced Ordinance No. 2018-2975 and asked the Clerk to read ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO RYAN BRADLEY; 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. 2018-2975 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedin: YEA  
YEA: 5, NAY: 0

City Manager Schneider reviewed the following information included in his report prepared for the October 1 meeting: "Ryan Bradley has made an offer to purchase Lot 22, Block 7, Willow Grove Addition, McCook, Red Willow County, Nebraska. The lot is located in the 1100 Block of East "A" Street. This area is zoned Residential Medium Density Mobile Home. At some point, it is believed this property was utilized for park purposes. There is old, dilapidated park equipment located on the lot. Over the past decades, the lot has seen little park activity. For all intents and purposes, the lot has sat abandoned for years. Mr. Bradley's offer to purchase the lot is \$5,000. A marketing profile was completed by Gateway Realty at Mr. Bradley's expense. Based on the profile, it appears the offer is consistent with recent, comparable sales. A copy of the marketing profile is included with this report. Over the past few years, Staff and the City Council have discussed what to do with the lot. A park survey was completed to get citizen input regarding the park's future. Only a few responses were received by Staff. The majority of respondents felt the lot should remain dedicated as park ground. A few respondents didn't believe the lot should be continued for park use. Council discussed the estimated costs associated with properly updating the park. Public Works Director Kyle Potthoff estimated the cost of playground equipment, wood chips, and fencing at \$50,000. Director Potthoff mentioned that if the park was upgraded and maintained, public work personnel would need to devote more time to the park. Staff recommends selling the lot. The lot does not provide much space for a park. Staff believes the lot is approximately 50' x 140' (the plat maps don't give an exact dimension), which is much smaller than most parks. Further, there are a number of parks that are not too far from the area. Finally, Staff believes the costs associated with upgrading the lot outweigh the benefit. In sum, Staff believes the lot is better suited for a different purpose."

Ryan Bradley was present to answer questions from the Council. He has purchased the lots directly to the west of the park area. He plans to clean up the lots for future expansion; realizes that a zone change would be necessary for him to utilize the lots for commercial purposes; and he will be removing the playground equipment at his expense.

Ted Gans, property owner to the south, spoke in support of the sale of the property to Mr. Bradley.

5.E. Introduce and approve on its first reading Ordinance No. 2018-2973 providing for the amendment of Chapter 38: Fee Schedule - Appendix E. Water Department Rates and Fees.

Mayor Gonzales introduced Ordinance No. 2018-2973 and asked the Clerk to read ordinance 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. 2012-2882 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. 2018-2973 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA  
YEA: 5, NAY: 0

Utilities Director Dutcher informed the Council, based on the data in the 2018 Water Enterprise Fund Cashflow Model, Public Financial Management (PFM) and City Staff are recommending that the current water rate be increase by three percent (3%). The rate increase provides funds to cover inflation and pay for needed capital projects.

5.F. Introduce and approve on its first reading Ordinance No. 2018-2974 providing for the amendment of Chapter 38: Appendix D. Sewer Department Rates and Fees.

Mayor Gonzales introduced Ordinance No. 2018-2974 and asked the Clerk to read 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. 2017-2958 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. 2018-2974 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Weedon and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, McDowell: YEA, Weedon: YEA

YEA: 5, NAY: 0

Utilities Director informed the Council that based on the data in the 2018 Sewer Enterprise Fund Cashflow Model, Public Financial Management (PFM) and City Staff are recommending the current sewer rate be increase by two percent (2%). The rate increase provides the funds to cover inflation and pay for needed capital projects.

5.G. Council Comments.

Council comments included congratulating Bruce and Cathy McDowell on their selection as the 2018 Heritage Days Grand Parade Marshals; recognizing the Chamber of Commerce for another successful Heritage Days celebration; restroom in Norris Park may need more than one stall; that the Karrer Park restrooms are in need of improvements; and the presenting of an ACE sticker to be placed on the new Public Transit Bus in recognition of the use of ACE funds as the City's match for the bus.

### **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:33 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer