

McCook City Council
March 18, 2019
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 (arrived at 6:33 p.m.), Calvin, Weedin, Muehlenkamp.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, Deputy City Clerk Schmidt, Utilities Director Dutcher, Public Works Director Potthoff, Water Superintendent Fawver, and Senior Services Director Siegfried.

Absent: City Clerk Doak.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 14, 2019, 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. Father Gary Brethour, St. Patrick's Catholic Church, provided 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.

Holli Olson was in attendance on behalf of the Southwest Nebraska Leadership Institute and thanked Council for waiving the fees to use the auditorium for their Southwest Community Links Activities Fair held recently. The fair was a success with 35 interest groups involved and over 100 people in attendance.

Dick Trail was present to ask why the Consent Agenda items were not on the City's website.

2. Announcements & Recognitions.

There were no announcements or recognitions.

3. Consent Agenda.

Councilmember Hepp requested that Item H be removed from the Consent Agenda and placed on the Regular Agenda.

Motion to approve the consent agenda. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

- 3.A. Approve the minutes of the March 4, 2019 regular City Council meeting.
- 3.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 McCook Municipal Auditorium, 302 West 5th Street, on August 10, 2019 from 12:00 P.M. to 1:00 A.M.
- 3.C. Receive and file the claims for the month of February 2019 as published March 11, 2019.
- 3.D. Recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by Schmick's Market, LLC, DBA "Schmick's Market", 212 Westview Plaza, which holds License #IDK-084561, the applicant being Cody Schmick.
- 3.E. Approve the application for a Special Designated Liquor License submitted by Outlaws Saloon, Liquor License #IB-118114, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on April 6, 2019 from 4:00 P.M. to 1:00 A.M.
- 3.F. Receive and file the Financial Report for the period ending February 28, 2019.
- 3.G. Receive and file the Property Damage Incident Form from Virginia Spray and instruct that it be submitted to the City's insurance carrier for review and appropriate action.

4. Regular Agenda.

- 3.H. Approve a Sublease Agreement between Griff Malleck, d/b/a Red Willow Aviation (RWA) and J & S Aviation Services, LLC, and authorize the execution of any accompanying documents.

Council discussion included the identity of J & S Aviation Services, who are they; if they do not fulfill the sublease agreement, is RWA still the responsible party; and when does the sublease start.

City Manager Schneider explained that Red Willow Aviation (RWA) will remain the Fixed Base Operator (FBO). The agreement between the City and RWA will remain in tact, the day to day obligations will be handled by J & S Aviation, they will be responsible for the same things RWA does as FBO, provide services to airplanes, fuel airplanes. This is a one year sublease proposed. The sublease agreement is retroactive to January 1, 2019, up to said date they had been operating as Red Willow Aviation. City staff have reviewed the sublease and a termination clause has been included.

Motion to approve a Sublease Agreement between Griff Malleck, d/b/a Red Willow Aviation and J & S Aviation Services, LLC, and authorize the execution of any accompanying documents. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA; Hepp: NAY.
YEA: 4, NAY: 1

- 4.A. Approve the use of up to \$21,500 of ACE funds to assist in the repair and restoration of the McCook Auditorium stage curtains.

Discussion was held regarding quote from Heartland Scenic Studio; quote coming in \$21,500 higher than what was budgeted; whether or not different quotes were obtained for the curtains; having city staff do the work versus the company; what does it do to the warranty should the city do the work themselves; what are the terms of their warranty; best way to come up with the difference needed and possibility of using uncommitted ACE funds if necessary; utilizing REWARD grant writer to look for a grant that might fit this project; where did Fox Theater get their curtains, maybe find something less costly; who is taking care of disposal; noted that lighting fixtures are listed as an option on quote; how old the curtains are; how often are they used; condition of the curtains; how many curtains are we replacing.

Motion to approve the use of up to \$21,500 of ACE funds to assist in the repair and restoration of the McCook Auditorium stage curtains. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

- 4.B. Ordinance No. 2019-2978 approving the voluntary annexation of a tract of land located in the S 1/2 of the SE 1/4 of Section 24, Township 3 North, Range 30 West, of the 6th P.M., Red Willow County, Nebraska, said tract of land to be included in what is to be referred to as Heritage Pointe Addition to the City of McCook, Red Willow County, Nebraska.

Mayor Gonzales asked the Clerk to read Ordinance No. 2019-2978 by title:

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MCCOOK, COUNTY OF RED WILLOW, STATE OF NEBRASKA, BY ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MCCOOK, NEBRASKA; REPEALING ALL OTHER 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. 2019-2978 has been read by title and I move to approve upon its third and final reading. This motion, made by Weedin and seconded by Calvin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

- 4.C. Ordinance No. 2019-2979 approving the zoning change request for Heritage Pointe Addition, a tract of land located in the S 1/2 of the SE 1/4 of Section 24, Township 3 North, Range 30 West, of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Mayor Gonzales asked the Clerk to read Ordinance No. 2019-2979 by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF HERITAGE POINTE ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, A TRACT OF LAND LOCATED IN THE S 1/2 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 3 NORTH,

RANGE 30 WEST, OF THE 6TH P.M., RED WILLOW COUNTY, NEBRASKA FROM RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) AND AGRICULTURAL DISTRICT (AG), TO BUSINESS COMMERCIAL DISTRICT (BC); PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2019-2979 has been read by title and I move to approve upon its third and final reading. This motion, made by Calvin and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA.
YEA: 5, NAY: 0

4.D. Consider Ordinance No. 2019-2981 adopting the Revised 2018/2019 Fiscal Year Employee Classification and Pay Plan, adding a Season II Employment Category to the S4 Pay Grade, under suspension of the rule.

Mayor Gonzales introduced Ordinance No. 2019-2981 and asked the Clerk to read by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE REVISED 2018/2019 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. 2018-2981 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended. This motion, made by Weedin and seconded by Hepp, passed.

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

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.

Motion for final passage of Ordinance No. 2018-2981. This motion, made by Weedin and seconded by Hepp, passed.

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

Mayor Gonzales declared that Ordinance 2018-2981 has been lawfully passed and adopted upon publication as required by law.

4.E. Ordinance No. 2019-2982 update McCook's Code of Ordinances to include a new section to Chapter 71, said Chapter and Section to be known as Chapter 71: Traffic Rules; Section 71.30: Engine Braking.

Mayor Gonzales introduced Ordinance No. 2019-2982 and asked the Clerk to read said ordinance by title:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 71 - TRAFFIC RULES, OF THE CITY OF MCCOOK CODE OF ORDINANCES; ADDING SUBSECTION - MOTOR

VEHICLES; SECTION 71.30 - ENGINE BRAKES; DEFINITIONS, PROHIBITED, AFFIRMATIVE DEFENSE, AND PENALTY; 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. 2019-2982 has been read by title and I move to approve upon its first reading. This motion, made by Calvin and seconded by Gonzales, failed.

Gonzales: YEA, Calvin: YEA; Hepp: NAY, Weedin: NAY, Muehlenkamp: NAY.
YEA: 2, NAY: 3

4.F. Council Comments.

There were no Council Comments.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:20 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lori Schmidt, Deputy City Clerk