

MCCOOK CITY COUNCIL
November 18, 2013
7:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 7:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Berry; Councilmembers Gonzales, Calvin, Hepp, McDowell.

Absent: None.

City Officials present: City Attorney Schneider, City Manager Hancock, City Clerk-Treasurer Doak, Police Chief Isaac Brown, Utilities Director Jesse Dutcher, Fire Chief Marc Harpham, and Public Works Director Kyle Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 14, 2013, 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 Berry announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION.

Steve Bales, pastor of the 1st Congregational Church, was present for the invocation.

(2) PLEDGE OF ALLEGIANCE.

Mayor Berry led the Council and audience in the Pledge of Allegiance.

(3) CITIZEN'S FORUM.

Bill Mathies, McCook resident, expressed concerns with the proposal to allow a salvage yard within the City. He noted that the applicant also owns the salvage yard on the east edge of Atlanta, Nebraska. He encourage the Council to make sure this is what you want in that area, before you let them in.

Ashley Laurie informed the Council that for her RYLA (Rotary Youth Leadership Awards) project she is working to provide two soccer nets for the McCook Elks Park as her short term goal. Her long term goal is to provide nets for the schools. She proposed indoor/outdoor goals at an estimated cost of \$1,000 for two goals. She will raise the money, so the project has no cost to the city.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Fire Chief Harpham introduced Tyler Neff, the newest full-time Firefighter/Paramedic. He joined the staff the first part of November and will begin shift duty in December.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE NOVEMBER 4, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the minutes of the November 4, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE INTERCITY BUS AGREEMENT NO. BUS-B732(214) WITH THE NEBRASKA DEPARTMENT OF ROADS AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve Intercity Bus Agreement No. BUS-B732(214) with the Nebraska Department of Roads and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C APPROVE INTERCITY BUS AGREEMENT NO. BUS-B732(214) WITH DASHABOUT ROADRUNNER, INC. AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve Intercity Bus Agreement No. BUS-B732(214) with Dashabout Roadrunner, Inc. and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF OCTOBER 2013 AS PUBLISHED ON NOVEMBER 13, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of October 2013 as published on November 13, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E ADOPT RESOLUTION NO. 2013-36 PROVIDING FOR THE REPLAT OF LOTS NINE (9), TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), SEVENTEEN (17), EIGHTEEN (18), OUTLOT B, AND OUTLOT C OF THE VILLAS AT HERITAGE HILLS, IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; NOW TO BE KNOWN AS REPLATTED LOT SIX (6) OF THE VILLAS AT HERITAGE HILLS, IN THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2013-36 providing for the replat of Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Outlot B, and Outlot C of the Villas at Heritage Hills, in the City of McCook, Red Willow County, Nebraska; now to be known as Replatted Lot Six (6) of the Villas at Heritage Hills, in the City of McCook, Red Willow County, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F RECEIVE AND FILE THE MINUTES OF THE AIRPORT ADVISORY COMMISSION DATED DECEMBER 3, 2012, THE TREE ADVISORY BOARD DATED MARCH 12, 2013, AND THE SENIOR CENTER ADVISORY BOARD DATED NOVEMBER 5, 2013.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the Airport Advisory Commission dated December 3, 2012, the Tree Advisory Board dated March 12, 2013, and the Senior Center Advisory Board dated November 5, 2013. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G RECEIVE AND FILE A COPY OF THE ANNUAL LETTER INVITING EACH STUDENT IN MCCOOK ATTENDING KINDERGARTEN THRU 2ND GRADE, ALL SPECIAL EDUCATION STUDENTS, AND HILLCREST NURSING HOME RESIDENTS TO MAKE ORNAMENTS TO ADORN THE "COMMUNITY CHRISTMAS TREE".

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file a copy of the annual letter inviting each student in McCook attending Kindergarten thru 2nd grade, all special education students, and Hillcrest Nursing Home residents to make ornaments to adorn the "Community Christmas Tree". The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H DECLARE THE LISTED PROPERTY AS SURPLUS CITY PROPERTY TO BE DISPOSED OF IN THE APPROPRIATE LEGAL MANNER.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to declare the listed property as surplus city property to be disposed of in the appropriate legal manner. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

(6) APPROVE ORDINANCE NO. 2013-2897 PROVIDING FOR THE APPROVAL AND ADOPTION OF THE OFFICIAL ZONING ORDINANCE FOR THE CITY OF MCCOOK UPON ITS THIRD AND FINAL READING.

Ordinance No. 2013-2897 entitled,

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ADOPTING THE OFFICIAL ZONING ORDINANCE FOR THE CITY OF MCCOOK, NEBRASKA; REPEALING ZONING ORDINANCE NO. 1580; 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.

came up for third and final reading.

Councilmember Gonzales moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2013-2897 be passed and adopted?" Upon roll call vote the following Councilmembers voted

YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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.

(7) COUNCIL COMMENTS.

There were no council comments.

(8) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR THE ANNUAL EVALUATION OF THE JOB PERFORMANCE OF CITY MANAGER J. JEFF HANCOCK.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to move into executive session for the annual evaluation of the job performance of City Manager J. Jeff Hancock at 7:48 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of the annual evaluation of the job performance of City Manager J. Jeff Hancock. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 9:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(9) APPROVE EMPLOYMENT AGREEMENT WITH CITY MANAGER J. JEFF HANCOCK AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the Employment Agreement with City Manager J. Jeff Hancock and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(10) INTRODUCE, APPROVE UNDER SUSPENSION OF THE RULE, ORDINANCE NO. 2013-2899 SETTING THE SALARY AND COMPENSATION OF CITY MANAGER J. JEFF HANCOCK.

Councilmember Calvin introduced and read by title Ordinance No. 2013-2899:

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. 2013-2899 was introduced and read by title only. Councilmember Calvin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gonzales seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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 moved for final passage of the Ordinance to include at 4½% increase in salary (to \$91,045.65), which was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2013-2899 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:45 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk