

MCCOOK CITY COUNCIL
December 16, 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: Councilmembers Gonzales, Calvin, Hepp, McDowell.

Absent: Mayor Berry.

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 December 12, 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.

Council Vice President Gonzales 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, 1ST CONGREGATIONAL CHURCH.

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

(2) PLEDGE OF ALLEGIANCE.

Councilmember Calvin led the Council and audience in the Pledge of Allegiance.

(3) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Attorney Schneider gave an update on the status of the St. Catherine's Apartment building owned by Midwest Properties. The property could be foreclosed on and sold at a Sheriff's auction within a couple of months. The case is currently being processed by the Red Willow County District Court. Once a sale is ordered, four weeks of publication is required, followed by the Sheriff's sale. Any bids received must be confirmed by the District Court Judge.

Police Chief Brown announced that installation of the Nebraska Statewide Radio System consolette was recently completed at the Police Department. The equipment and training were funded through

a Department of Homeland Security grant. The equipment will all dispatch to contact the State Patrol, Nebraska Game and Parks Law Enforcement, and other state and local public safety and law enforcement agencies, which they were previously unable to do.

(5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - PROPOSED SUBDIVISION REGULATION ORDINANCE FOR THE CITY OF MCCOOK.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed Subdivision Regulation Ordinance for the City of McCook with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the December 16, 2013 City Council meeting; Exhibit #2 - Notice of Public Hearing published; Exhibit #3 - proposed Ordinance No. 2014-2900; Exhibit #4 - the proposed Subdivision Regulation Ordinance; Exhibit #5 - minutes of the December 9, 2013 Planning Commission meeting.

City Manager Hancock reviewed the major changes within the ordinance with the Council.

Councilmember McDowell questioned how a setback line is determined. Is a roof overhang included?

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM B INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2014-2900 PROVIDING FOR THE ADOPTION OF THE SUBDIVISION REGULATION ORDINANCE FOR THE CITY OF MCCOOK.

Councilmember Gonzales introduced Ordinance No. 2014-2900 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ADOPTING THE OFFICIAL SUBDIVISION REGULATION ORDINANCE FOR THE CITY OF MCCOOK, NEBRASKA; REPEALING ZONING ORDINANCE NO. 2001-2572; 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. 2014-2900 was introduced and read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember McDowell, to approve Ordinance No. 2014-2900 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Mayor declared said Ordinance No. 2014-2900 approved on its first reading.

(6) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE DECEMBER 2, 2013 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the minutes of the December 2, 2013 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM B APPROVE THE RECOMMENDATION OF THE FUEL CONTRACT ADVISORY COMMITTEE TO CONTINUE THE FUEL PURCHASE AGREEMENT, FOR CALENDAR YEAR 2014, WITH FRENCHMAN VALLEY COOPERATIVE, INC. TO PURCHASE FUEL FOR GOVERNMENT VEHICLES.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the recommendation of the Fuel Contract Advisory Committee to continue the Fuel Purchase Agreement, for Calendar Year 2014, with Frenchman Valley Cooperative, Inc. To purchase fuel for government vehicles. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM C APPROVE THE LOCAL AMENDMENT TO PROJECT AGREEMENT RTP2012(002) WITH THE NEBRASKA GAME AND PARKS COMMISSION, ALLOWING FOR AN EXTENSION OF TIME TO AUGUST 1, 2014, TO HAVE CONSTRUCTION COMPLETED FOR THE SOUTHVIEV WALKING TRAIL AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the Local Amendment to Project Agreement RTP2012(002) with the Nebraska Game and Parks Commission, allowing for an extension of time to August 1, 2014, to have construction completed for the Southview Walking Trail and authorize the Public Works Director to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM D RATIFY THE MAYOR'S APPOINTMENT OF TERRI SHIPSHOCK TO THE PLANNING COMMISSION, REPLACING FLORA LUNDBERG - TERM EXPIRES SEPTEMBER 2016.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to ratify the Mayor's appointment of Terri Shipshock to the Planning Commission, replacing Flora Lundberg - term expires September 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM E RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF NOVEMBER 2013 AS PUBLISHED ON DECEMBER 11, 2013.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to receive and file the claims for the month of November 2013 as published on December 11, 2013. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM F APPROVE THE AUTOMATIC RENEWAL OF ALL CURRENT RETAIL LIQUOR LICENSES IN THE CITY OF MCCOOK FOR THE YEAR 2014 AND INSTRUCT THE CITY CLERK TO PUBLISH INDIVIDUAL NOTICE OF THE RIGHT OF AUTOMATIC RENEWAL OF EACH LICENSE.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2014 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM G RECEIVE AND FILE THE MINUTES OF THE DECEMBER 9, 2013 PLANNING COMMISSION MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to receive and file the minutes of the December 9, 2013 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

REGULAR AGENDA

(7) COUNCIL COMMENTS.

The Council wished everyone a Happy, Healthy, and Holy Holiday.

(8) ADJOURNMENT.

There being no further business to come before the Council, Council Vice President Gonzales declared the meeting adjourned at 7:56 P.M.

Mike Gonzales, Council Vice President

ATTEST:

Lea Ann Doak, City Clerk