

MCCOOK CITY COUNCIL
January 20, 2014
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, Public Works Director Kyle Potthoff, and Senior Services Director Beth Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on January 16, 2014, 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 - DOUG GRIGER, UNITED METHODIST CHURCH.

Doug Griger, pastor of the United Methodist 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.

Joe Williams, representing area property owners to Daniel and Lizann Miller, 71363 Road 385, addressed the Council regarding concerns with the Dog Kennel that the Millers are operating at that location. The dogs seem to bark 24 hours a day. The barking and howling make it impossible to enjoy the outdoors most of the summer, at times the smell of the feces is unbearable, there are too many dogs, they would like to see the barking stop.

Mike Brown addressed the Council regarding safety issues at the old Fuller's Restaurant location. The safety fence has blown over, leaving a large hole open to the public.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock informed the Council that he had met with Bill Mathias and Terry Sides regarding the process for the development of a metal recycling center.

Chief Brown informed the Council that gross proceeds from the City's recent surplus auction were \$12,353.40.

Fire Chief Harpham introduced Steve Yager, a new Firefighter/Paramedic for the Department,

(5) CONSENT AGENDA:

Councilmember Gonzales requested that Item B be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE JANUARY 6, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the January 6, 2014 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF DECEMBER 2013 AS PUBLISHED ON JANUARY 13, 2014.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of December 2013 as published on January 13, 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D RECEIVE AND FILE THE MINUTES OF THE JANUARY 7, 2014 SENIOR CENTER ADVISORY BOARD MEETING AND THE OCTOBER 31, 2013 AIRPORT ADVISORY COMMISSION MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the January 7, 2014 Senior Center Advisory Board meeting and the October 31, 2013 Airport Advisory Commission meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 5B APPROVE THE PLANS AND SPECIFICATIONS FOR PROJECT RTP 2012(002) SOUTHVIEW WALKING TRAIL AND SET THE DATE TO RECEIVE BIDS AS FEBRUARY 10, 2014 AT 2:00 P.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the plans and specifications for Project RTP 2012(002) Southview Walking Trail and set the date to receive bids as February 10, 2014 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(6) APPROVE ORDINANCE NO. 2014-2900 PROVIDING FOR THE ADOPTION OF THE SUBDIVISION REGULATION ORDINANCE FOR THE CITY OF MCCOOK UPON ITS THIRD AND FINAL READING.

Ordinance No. 2014-2900 entitled was considered upon its third and final reading:

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 read by title only and thereafter Councilmember Gonzales moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2014-2900 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) APPROVAL OF A LEASE BETWEEN THE CITY OF MCCOOK AND THE SOUTHWEST NEBRASKA COMMUNITY THEATER ASSOCIATION TO OCCUPY AND USE A PORTION OF THE CITY AUDITORIUM.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to postpone consideration of the item until the February 3, 2014 Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(8) ACCEPT RESIGNATION OF CITY MANAGER J. JEFF HANCOCK EFFECTIVE FEBRUARY 7, 2014.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to accept the resignation of City Manager J. Jeff Hancock effective February 7, 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(9) CONSIDER AND PROVIDE DIRECTION TO STAFF REGARDING THE PROCESS FOR RECRUITMENT OF A NEW CITY MANAGER AND INTERIM CITY MANAGER POSITION.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to appoint Kyle Potthoff, Public Works Director, and Lea Ann Doak, City Clerk, as Co-Interim City Manager's, effective February 8, 2014 until a new City Manager is hired and set their additional monthly compensation at \$2,500 each. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

It was the consensus of the Council to use the same process as before, leaving the first review date flexible to allow for adequate publication time.

Council requested that discussion of the interview process be included on the February 4, 2014 agenda.

(10) COUNCIL COMMENTS.

Councilmembers thanked City Manager Hancock for his worked for the City and wished him well in his future endeavors.

Mayor Berry informed the Council that he has been in contact with Great Lakes Aviation regarding the lack of flights in and out of McCook, due to a lack of pilots. He encouraged all to contact their Congressmen and U. S. Senators asking for more speedy action addressing the pilot issues facing the smaller airports across the United States. This issue is not just a McCook issue.

- (11) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR PROTECTION OF THE PUBLIC INTEREST FOR A STRATEGY SESSION WITH RESPECT TO PENDING LITIGATION WHICH IS IMMINENT AS EVIDENCED BY COMMUNICATION OF A CLAIM OR THREAT OF LITIGATION BY THE PUBLIC BODY REGARDING THE SPECIAL EXCEPTION GRANTED TO DANIEL AND LIZANN MILLER ON PROPERTY LOCATED AT 71363 ROAD 385.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move into executive session for protection of the public interest for a strategy session with respect to pending litigation which is imminent as evidenced by communication of a claim or threat of litigation by the public body regarding the special exception granted to Daniel and Lizann Miller on property located at 71363 Road 385 at 7:58 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

The Mayor stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for protection of the public interest for a strategy session with respect to pending litigation which is imminent as evidenced by communication of a claim or threat of litigation by the public body regarding the special exception granted to Daniel and Lizann Miller on property located at 71363 Road 385. The Council will reconvene in public session following this closed session.

City Attorney Schneider, City Manager Hancock, Public Works Director Potthoff, and City Clerk Doak were included in the closed session.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 8:47 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (12) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:48 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk