

MCCOOK CITY COUNCIL  
September 2, 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: Councilmembers Gonzales, Calvin, Hepp, McDowell.

Absent: Mayor Berry.

City Officials present: City Manager/City Attorney Schneider, City Clerk Doak, Police Chief Brown, Library Director Crocker, Utilities Director Dutcher, Fire Chief Harpham, Public Works Director Potthoff, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 28, 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.

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 - CLARK BATES, MCCOOK CHRISTIAN CHURCH.

Clark Bates, pastor of the McCook Christian 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 COMMENTS.

Andrew Long, McCook Community College Vice President, addressed the Council regarding the revised Hormel Business Plan Competition and noted that they plan to contact various entities in the future for sponsorship of the program.

Adam Madigan, #1 Clubhouse Drive, addressed the Council regarding speeding vehicles in the area of his residence and expressed concern for the safety of the children playing in the area.

(4) ANNOUNCEMENTS & RECOGNITIONS.

Fire Chief Harpham announced that Mike Schoenemann recently received the Flight Paramedic Certification (FPC), that Tyler Neff also has his FPC certification, and that Mike Schoenemann, Dan Hartwell, and Joy Molcyk completed the Critical Care Emergency Medical Technic Program (CCEMTP).

City Manager Schneider informed the Council that the recommendation from the Sales Tax Committee was to have the question on the ballot for a special election in May and that staff is currently working with our health insurance broker regarding possible changes in our third party administrator. The City is currently with Meritain. Proposals were received UMR Health Services and CNIC.

(5) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE AUGUST 18, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the August 18, 2014 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 SELECTION OF W DESIGN AND ASSOCIATES FOR ENGINEERING SERVICES AT MCCOOK REGIONAL AIRPORT FOR AIRPORT IMPROVEMENT PROJECTS WHERE ENGINEERING SERVICES DO NOT EXCEED \$100,000, THRU 2018.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the selection of W Design and Associates for engineering services at McCook Regional Airport for Airport Improvement Projects where engineering services do not exceed \$100,000, thru 2018. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM C APPROVE THE REQUEST FROM AMFIRST BANK TO USE KELLEY PARK, THE WALKING TRAIL, AND CITY OWNED PORTIONS OF THE OLD BROKEN TEE GOLF COURSE FOR THEIR ANNUAL 5K CROSS COUNTRY ROAD "OFF ROAD" RACE TO BE HELD ON SATURDAY, OCTOBER 18, 2014 BETWEEN THE HOURS OF 4:00 P.M. AND 10:00 P.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the request from AmFirst Bank to use Kelley Park, the Walking Trail, and city owned portions of the Old Broken Tee Golf Course for their Annual 5K Cross Country Road "Off Road" Race to be held on Saturday, October 18, 2014 between the hours of 4:00 P.M. and 10:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM D ADOPT RESOLUTION NO. 2014-11 DESIGNATING THE REPRESENTATIVES OF THE CITY OF MCCOOK TO THE PUBLIC ALLIANCE FOR COMMUNITY ENERGY (ACE) BOARD OF DIRECTORS.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2014-11 designating the representatives of the City of McCook to the Public Alliance for Community Energy (ACE) Board of Directors. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM E APPOINT NATHAN SCHNEIDER AS BOARD MEMBER TO REPRESENT THE CITY ON THE REWARD BOARD OF DIRECTORS.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to appoint Nathan Schneider as Board Member to represent the City on the REWARD Board of Directors. 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 ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE DATED JANUARY 27, 2014 AND APRIL 28, 2014.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the Economic Development Plan Citizen's Advisory Review Committee dated January 27, 2014 and April 28, 2014. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM H RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION FOR MANAGER SUBMITTED BY THE KNIGHTS OF COLUMBUS 1126, 309 E 9<sup>TH</sup> STREET, WHICH HOLDS LICENSE #I-003702, THE APPLICANT BEING ANTON SPILINEK.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by the Knights of Columbus 1126, 309 E 9<sup>th</sup> Street, which holds License #I-003702, the applicant being Anton Spilinek. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM I RECEIVE AND FILE THE FINANCIAL REPORT FOR THE PERIOD ENDING JULY 31, 2014.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the Financial Report for the period ending July 31, 2014. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

**REGULAR AGENDA**

ITEM 5F APPROVE A MODIFICATION TO THE ADDENDUM TO THE CONTRACT BETWEEN THE CITY OF MCCOOK AND THE MCCOOK HUMANE SOCIETY.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve a modification to the addendum to the contract between the City of McCook and the McCook Humane Society. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

It was the consensus of the Council to have the Humane Society present to the City the amount that their utilities go over the current year cap for consideration in next years budget.

(6) APPROVE ORDINANCE NO. 2014-2907 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2014/2015 UPON ITS SECOND READING.

Ordinance No. 2014-2907 entitled,

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

was considered on its second reading.

Ordinance No. 2014-2907 was read by title only. Motion was made by Councilmember Hepp, seconded by Councilmember McDowell, to approve Ordinance No. 2014-2907 on its second reading.

Council discussion included reclassifying the sales tax dollars for a Water Slide to Pool Improvements and designating \$75,000 from uncommitted sales tax dollars to buy down Sewer SRF debt, if the funds are available for the June 2015 payment;

Wayne Michaelis addressed the Council regarding the Auditorium budget and the proposed increases in Solid Waste fees.

The Council Vice President then stated the question: "Shall Ordinance No. 2014-2907 be approved upon its second reading?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Council Vice President declared said Ordinance No. 2014-2907 approved on its second reading.

(7) APPROVE ORDINANCE NO. 2014-2908 PROVIDING FOR THE ADOPTION OF THE 2014/2015 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS SECOND READING.

Ordinance No. 2014-2908 entitled,

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2014/2015 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.

was considered on its second reading.

Ordinance No. 2014-2908 was read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember McDowell, to approve Ordinance No. 2014-2908 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Council Vice President declared said Ordinance No. 2014-2908 approved on its second reading.

(8) APPROVE ORDINANCE NO. 2014-2909 PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE MCCOOK MUNICIPAL CODE UPON ITS SECOND READING.

City Clerk Doak stated that Ordinance No. 2014-2909 entitled,

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2013-2894 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

was considered on its second reading.

Ordinance No. 2014-2909 was read by title only. Motion was made by Councilmember Hepp, seconded by Councilmember Gonzales, to approve Ordinance No. 2014-2909 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried. Whereupon the Council Vice President declared said Ordinance No. 2014-2909 approved on its second reading.

- (9) INTRODUCE AND APPROVE ORDINANCE NO. 2014-2911 PROVIDING FINANCIAL ASSURANCE TO THE STATE OF NEBRASKA FOR THE REMEDIAL ACTION OF THE MUNICIPAL SOLID WASTE DISPOSAL AREA UPON ITS FIRST READING.

Councilmember Gonzales introduced Ordinance No. 2014-2911 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FINANCIAL ASSURANCE TO THE STATE OF NEBRASKA FOR THE REMEDIAL ACTION OF THE MUNICIPAL SOLID WASTE DISPOSAL AREA; AUTHORIZING A SPECIAL FUND FOR PAYING ACTION COSTS; ENTERING INTO A COMMITMENT TO THE STATE OF NEBRASKA REGARDING THESE FUNDS; AND PROVIDING FOR REPORTING REQUIREMENTS TO THE STATE OF NEBRASKA.

Ordinance No. 2014-2911 was introduced and read by title only. Councilmember Calvin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hepp seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. 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, which was seconded by Councilmember Hepp. The Council Vice President then stated the question: "Shall Ordinance No. 2014-2911 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Council Vice President declared the Ordinance lawfully passed and adopted upon publication as required by law.

- (10) INTRODUCE AND APPROVE, UNDER SUSPENSION OF THE RULE, ORDINANCE NO. 2014-2910 CONTRACTING WITH SOURCEGAS DISTRIBUTION, LLC FOR THE RIGHT TO CONSTRUCT AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM WITHIN THE LIMITS OF THE CITY AND TO UTILIZE CITY PROPERTY FOR SOURCEGAS DISTRIBUTION, LLC PURPOSES.

Councilmember Gonzales introduced Ordinance No. 2014-2910 by title. The Clerk read the Ordinance by title:

AN ORDINANCE GRANTING TO SOURCEGAS DISTRIBUTION LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF MCCOOK, NEBRASKA FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID CITY AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ORDINANCE NO. 2004- 2708.

Ordinance No. 2014-2910 was introduced and read by title only. Councilmember Calvin moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. 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, which was seconded by Councilmember McDowell. The Council Vice President then stated the question: "Shall Ordinance No. 2014-2910 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Council Vice President declared the Ordinance lawfully passed and adopted upon publication as required by law.

(11) COUNCIL COMMENTS.

Councilmember Gonzales encouraged all to attend the 9/11 presentation at the Fox Theater on September 11, 2014 at 7:00 P.M.

(12) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR A STRATEGY SESSION WITH RESPECT TO COLLECTIVE BARGAINING WITH THE FRATERNAL ORDER OF POLICE LODGE 57.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to move into executive session for a strategy session with respect to collective bargaining with the Fraternal Order of Police Lodge 57 at 8:22 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

The Council Vice President announced for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of a strategy session with respect to collective bargaining with the Fraternal Order of Police Lodge 57. 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 9:22 P.M. The motion passed upon the following roll call

vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

(13) ADJOURNMENT.

There being no further business to come before the Council, Council Vice President Gonzales declared the meeting adjourned at 9:23 P.M.

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Mike Gonzales, Council Vice President

ATTEST:

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Lea Ann Doak, City Clerk