

MCCOOK CITY COUNCIL  
September 15, 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 September 11, 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 - STEVE BALES, 1<sup>ST</sup> CONGREGATION CHURCH.

No one 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.

There were no citizen's comments.

- (4) ANNOUNCEMENTS & RECOGNITIONS.

Utilities Director Dutcher informed the Council that the City should be ready for online utility bill paying by the end of the week. City Staff has been trained on the process and we are now waiting for the equipment used.

Fire Chief Harpham informed the Council that more than 500 attended the performance of "The Guys" and that approximately \$5,000 in donations had been received to date. These funds will be used to purchase a concrete/metal saw for the Fire Department.

- (5) RECEIVE AND FILE A PRESENTATION FROM JAY SCHILLING REGARDING A REQUEST TO PARTICIPATE AS AN INTERESTED PARTY DURING

GROUNDWATER/SURFACE WATER DISCUSSIONS BETWEEN THE UPPER, MIDDLE, AND LOWER REPUBLICAN NATURAL RESOURCE DISTRICTS.

Jay Schilling and James Uerling presented information on a request to participate as an interested party during groundwater/surface water discussions between the Upper, Middle, and Lower Republican Natural Resource Districts.

- (6) APPROVE THE PARTICIPATION BY THE CITY OF MCCOOK AS A COMMITTEE MEMBER OF THE UPPER, MIDDLE, AND LOWER REPUBLICAN NATURAL RESOURCE DISTRICTS DISCUSSIONS AND REVIEW OF THE GUIDELINES AND RULES RELATIVE TO THE AFOREMENTIONED NATURAL RESOURCE DISTRICTS.

Upon a motion by Councilmember McDowell, seconded by Councilmember Hepp, the Council voted to approve the participation by the City of McCook as a committee member of the Upper, Middle, and Lower Republican Natural Resource Districts discussions and review of the guidelines and rules relative to the aforementioned Natural Resource Districts. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

- (7) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE SEPTEMBER 2, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve the minutes of the September 2, 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 RECEIVE AND FILE RESULTS OF THE MECHANICAL INTEGRITY TEST AND ANNUAL RESERVOIR FALLOFF TEST FOR THE CLASS I NON-HAZARDOUS DEEP INJECTION WELL.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to receive and file results of the Mechanical Integrity Test and Annual Reservoir Falloff Test for the Class I Non-Hazardous Deep Injection Well. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM C RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF AUGUST 2014 AS PUBLISHED ON SEPTEMBER 11, 2014.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of August 2014 as published on September 11, 2014. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM D ADOPT RESOLUTION NO. 2014-12 ESTABLISHING CROSSWALKS ON EAST "H" STREET APPROXIMATELY 640' WEST OF THE EAST 11<sup>TH</sup> STREET

INTERSECTION AND ON EAST 11<sup>TH</sup> STREET APPROXIMATELY 200' NORTH OF THE EAST "F" STREET INTERSECTION.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2014-12 establishing crosswalks on East "H" Street approximately 640' west of the East 11<sup>th</sup> Street intersection and on East 11<sup>th</sup> Street approximately 200' north of the East "F" Street intersection. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY LOOP BREWING CO., LLC, LIQUOR LICENSE #LK-93351, FOR A BEER GARDEN AT THE MCCOOK FARM & RANCH EXPO TO BE HELD AT THE KIPLINGER ARENA, 1412 WEST 5<sup>TH</sup> STREET, ON NOVEMBER 19, 2014 FROM 10:00 A.M. UNTIL 1:00 A.M. AND NOVEMBER 20, 2014 FROM 10:00 A.M. UNTIL 10:00 P.M.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Co., LLC, Liquor License #LK-93351, for a Beer Garden at the McCook Farm & Ranch Expo to be held at the Kiplinger Arena, 1412 West 5<sup>th</sup> Street, on November 19, 2014 from 10:00 A.M. until 1:00 A.M. and November 20, 2014 from 10:00 A.M. until 10:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM F APPROVE THE MCCOOK AREA CHAMBER OF COMMERCE HERITAGE DAYS REQUEST FOR THE FOLLOWING:

THE USE OF NORRIS PARK AND THE BANDSHELL FOR ENTERTAINMENT ON SEPTEMBER 27 AND 28, 2014; FOR THE CLOSING OF THE FOLLOWING STREETS:

- NORRIS AVENUE FROM "G" STREET TO "H" STREET - AFTER THE PARADE ON SATURDAY UNTIL SUNDAY EVENING;
- THE 100 BLOCK OF EAST "G" STREET BEGINNING AT 3:00 P.M. ON FRIDAY, SEPTEMBER 26, 2014 UNTIL SUNDAY EVENING;
- THE 700 BLOCK OF EAST 1<sup>ST</sup>, THE 100 BLOCK OF EAST "H" STREET BEGINNING AT 5:00 A.M. ON SATURDAY, SEPTEMBER 27, 2014 UNTIL SUNDAY EVENING;
- THE 100 BLOCK OF WEST "G" STREET FROM 5:00 A.M. ON SATURDAY, SEPTEMBER 27, 2014 UNTIL AFTER THE PARADE;
- THE 200 BLOCK OF EAST "H" STREET FROM EAST 1<sup>ST</sup> TO THE ALLEY BETWEEN EAST 1<sup>ST</sup> AND EAST 2<sup>ND</sup> FROM 5:00 A.M. TO 6:00 P.M. ON SEPTEMBER 27, 2014 FOR A CAR/TRACTOR SHOW - (IF NEEDED); AND

TO ALLOW OVERNIGHT PARKING FOR VENDORS AROUND NORRIS PARK; TO CONDUCT THEIR PARADE ON PUBLIC STREETS ON SEPTEMBER 27, 2014; THE USE OF CITY STREETS AROUND NORRIS PARK FROM THE CONCLUSION OF THE PARADE UNTIL 6:00 P.M. ON SATURDAY, SEPTEMBER 27, 2014 FOR A CAR/TRACTOR SHOW.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve the McCook Area Chamber of Commerce Heritage Days request for the use of

Norris Park and the bandshell for entertainment on September 27 and 28, 2014; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until Sunday evening, the 100 block of East "G" Street beginning at 3:00 P.M. on Friday, September 26, 2014 until Sunday evening, the 700 block of East 1<sup>st</sup>, the 100 block of East "H" Street beginning at 5:00 A.M. on Saturday, September 27, 2014 until Sunday evening, the 100 block of West "G" Street from 5:00 A.M. on Saturday, September 27, 2014 until after the parade, the 200 block of East "H" Street from East 1<sup>st</sup> to the alley between East 1<sup>st</sup> and East 2<sup>nd</sup> from 5:00 A.M. to 6:00 P.M. on September 27, 2014 for a car/tractor show - (IF NEEDED); to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 27, 2014; and the use of City Streets around Norris Park from the conclusion of the parade until 6:00 P.M. on Saturday, September 27, 2014 for a car/tractor show. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

### REGULAR AGENDA

ITEM 7G ACCEPT THE RECOMMENDATION OF THE SKATEPARK DESIGN SELECTION COMMITTEE OF GRINDLINE SKATEPARKS, INC., TO PROVIDE THE DESIGN SERVICES FOR THE DESIGN OF THE MCCOOK SKATEPARK.

Upon a motion by Councilmember McDowell, seconded by Councilmember Gonzales, the Council voted to accept the recommendation of the Skatepark Design Selection Committee of Grindline Skateparks, Inc., to provide the design services for the design of the McCook Skatepark.

Members of the committee, Christian Olson, Brigham Larington, and Logan Vrbas addressed the Council regarding their recommendation. They felt Grindline offered the best value for the price, the entire operation is ran by skateboarders so they are familiar with what is needed, they focused on aesthetics, they would incorporate the use of in-kind donations and the volunteers, they are a smaller corporation and would work better with a smaller community.

The Council Vice President then stated the question: "Shall the motion on the floor be approved?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. Motion carried.

ITEM 7H APPROVE RESOLUTION NO. 2014-14 AUTHORIZING CITY STAFF TO APPLY FOR FEDERAL ASSISTANCE FROM THE LAND AND WATER CONSERVATION FUND PROGRAM TO ASSIST WITH THE COST OF CONSTRUCTING A SKATEPARK IN THE CITY OF MCCOOK.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve Resolution No. 2014-14 authorizing City Staff to apply for Federal Assistance from the Land and Water Conservation Fund Program to ASSIST with the cost of constructing a skatepark in the City of McCook. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

(8) APPROVE THE REQUEST FROM THE ED THOMAS YMCA TO UTILIZE CITY STREETS FOR THEIR 2014 HERITAGE DAYS 5K ROAD RACE ON SEPTEMBER 27, 2014 AND THEIR HERITAGE DAYS CYCLING TOUR ON SEPTEMBER 28, 2014.

Councilmember Gonzales noted that he would be abstaining from the vote on this item due to a possible conflict of interest.

Ronda Graff was present to address any questions from the Council regarding their request.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the request from the Ed Thomas YMCA to utilize city streets for their 2014 Heritage Days 5K Road Race on September 27, 2014 and their Heritage Days Cycling Tour on September 28, 2014. The motion passed upon the following roll call vote: YEA: Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry. ABSTAIN: Gonzales.

(9) APPROVE ORDINANCE NO. 2014-2907 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2014/2015 UPON ITS THIRD AND FINAL 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 upon its third and final reading.

Ordinance No. 2014-2907 was read by title only and thereafter Councilmember Gonzales moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Council Vice President then stated the question: "Shall Ordinance No. 2014-2907 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Hepp. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Council Vice President declared the Ordinance lawfully passed and adopted upon publication as required by law.

(10) ADOPT RESOLUTION NO. 2014-13 SETTING THE PROPERTY TAX REQUEST FOR FY 2014/2015 AT A DIFFERENT AMOUNT THAN THE PROPERTY TAX REQUEST FOR THE PRIOR YEAR.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2014-13 setting the property tax request for FY 2014/2015 at a different amount than the property tax request for the prior year. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

(11) APPROVE ORDINANCE NO. 2014-2908 PROVIDING FOR THE ADOPTION OF THE 2014/2015 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS THIRD AND FINAL 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 upon its third and final reading.

Ordinance No. 2014-2908 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell. The Council Vice President then stated the question: "Shall Ordinance No. 2014-2908 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 the Council, the Council Vice President declared the Ordinance lawfully passed and adopted upon publication as required by law.

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

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 upon its third and final reading.

Ordinance No. 2014-2909 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Council Vice President then stated the question: "Shall Ordinance No. 2014-2909 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 the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

(13) COUNCIL COMMENTS.

Councilmember Hepp stated that the Southwest Nebraska Community Theater Association is very pleased with their use of the auditorium for practice and storage of their equipment. It is an awesome building and they greatly appreciate being able to use the building.

(14) 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 McDowell, 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 8:49 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 Hepp, seconded by Councilmember Calvin, the Council voted to move out of executive session at 10:33 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

(15) ADJOURNMENT.

There being no further business to come before the Council, Council Vice President Gonzales declared the meeting adjourned at 10:34 P.M.

\_\_\_\_\_  
Mike Gonzales, Council Vice President

ATTEST:

\_\_\_\_\_  
Lea Ann Doak, City Clerk