

MCCOOK CITY COUNCIL
November 3, 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 Manager/City Attorney Schneider, City Clerk/Treasurer Doak, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 30, 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 - BRUCE LESTER, MCCOOK EVANGELICAL CHURCH.

Bruce Lester, pastor of the McCook Evangelical 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.

There were no citizen's comments.

(4) ANNOUNCEMENTS & RECOGNITIONS.

Fire Chief Harpham presented certificates of appreciation to Matt Sehnert, Linsey Dugan, and McCook Community College Theater Director Clay Grizzle for the recent performance of "The Guys" at the Fox Theatre. More than \$5,300 was raised to assist with the purchase of a cutoff saw and a specialized chainsaw for the Fire Department.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE OCTOBER 20, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the minutes of the October 20, 2014 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B RECEIVE AND FILE THE MINUTES OF THE APRIL 17, 2014 LIBRARY ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the April 17, 2014 Library Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C APPROVE THE REQUEST FROM COMMUNITY HOSPITAL AND THE YMCA TO USE CITY STREETS, THE WALKING TRAIL, AND PORTIONS OF KELLEY PARK FOR THEIR SECOND ANNUAL TURKEY TROT RUN TO BE HELD ON SATURDAY, NOVEMBER 8, 2014, BEGINNING AT 10:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the request from Community Hospital and the YMCA to use city streets, the Walking Trail, and portions of Kelley Park for their Second Annual Turkey Trot Run to be held on Saturday, November 8, 2014, beginning at 10:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D APPROVE AND AUTHORIZE THE MAYOR TO SIGN LEASE NO. GS-06P-LNE31044 BETWEEN THE CITY OF MCCOOK AND THE U.S. GENERAL SERVICES ADMINISTRATION FOR SPACE AT MCCOOK REGIONAL AIRPORT BEING USED BY THE TRANSPORTATION SECURITY ADMINISTRATION.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve and authorize the Mayor to sign Lease No. GS-06P-LNE31044 between the City of McCook and the U.S. General Services Administration for space at McCook Regional Airport being used by the Transportation Security Administration. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E RATIFY THE MAYOR'S APPOINTMENT TO THE:

- AIRPORT ADVISORY COMMISSION - REAPPOINT DOUG VAP, TREVOR TAYLOR, AND GRIFF MALLECK (FBO) - TERMS EXPIRE NOVEMBER 2017;
- TREE ADVISORY BOARD - APPOINT GREGORY PENNINGTON TO REPLACE SARA KNUTSON - TERM EXPIRES APRIL 2018.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to ratify the Mayor's appointment to the Airport Advisory Commission - reappointing Doug Vap, Trevor Taylor, and Griff Malleck (FBO) - terms expire November 2017 and to the Tree Advisory Board - appointing Gregory Pennington to replace Sara Knutson - term expires April 2018. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F RECEIVE AND FILE THE CITY OF MCCOOK SNOW AND ICE CONTROL AND REMOVAL OPERATION PROCEDURES AND POLICIES.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Policies. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G ADOPT RESOLUTION NO. 2014-17 PROVIDING FOR THE AMENDED AND RESTATED RETIREMENT PLAN AND TRUST DOCUMENT FOR THE FIRE DEPARTMENT EMPLOYEES AND EXECUTION OF THE PLAN DOCUMENTS.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2014-17 providing for the amended and restated Retirement Plan and Trust document for the Fire Department employees and execution of the Plan documents. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H ADOPT RESOLUTION NO. 2014-18 PROVIDING FOR THE AMENDED AND RESTATED RETIREMENT PLAN AND TRUST DOCUMENT FOR THE POLICE DEPARTMENT EMPLOYEES AND EXECUTION OF THE PLAN DOCUMENTS.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2014-18 providing for the amended and restated Retirement Plan and Trust document for the Police Department employees and execution of the Plan documents. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM I RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF SEPTEMBER 2014 AS PUBLISHED OCTOBER 14, 2014.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of September 2014 as published October 14, 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

(6) INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2014-2912 PROVIDING FOR THE AMENDMENT OF CHAPTER 38, FEE SCHEDULE, APPENDIX J: OCCUPATION TAXES OF THE CITY OF MCCOOK CODE OF ORDINANCES PERTAINING TO ALCOHOLIC BEVERAGE LICENSES.

Councilmember Gonzales introduced Ordinance No. 2014-2912 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF CHAPTER 38, FEE SCHEDULE, APPENDIX J: OCCUPATION TAXES OF

THE CITY OF MCCOOK CODE OF ORDINANCES PERTAINING TO ALCOHOLIC BEVERAGE LICENSES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A DATE AND TIME FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2014-2912 was introduced and read by title only. Motion was made by Councilmember Gonzales, seconded by Councilmember Calvin, to approve Ordinance No. 2014-2912 on its first reading.

Tyler Loop and Adam Siegfried, owners of Loop Brewery, spoke in opposition of the presented increases.

Council discussion included if there was a need for the additional revenue, issues with an occupation tax, being fair to all businesses, and making this item something for staff to address as part of next year's budget.

The Mayor then stated the question: "Shall Ordinance No. 2014-2912 be approved upon its first reading?" Upon roll call vote the following Councilmembers voted YEA: None. NAY: Berry, Gonzales, Calvin, Hepp, McDowell. Motion failed.

(7) INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2014-2913 AUTHORIZING THE SALE OF THE NORTH 25 FEET OF REPLATTED LOT 3, BLOCK 5, FIRST ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA.

Mayor Berry introduced Ordinance No. 2014-2913 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO MICHAEL AND/OR MICHELLE GONZALES; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2014-2913 was introduced and read by title only. Motion was made by Mayor Berry, seconded by Councilmember Calvin, to approve Ordinance No. 2014-2913 on its first reading.

Councilmember Gonzales stated that he would be abstaining from consideration of this item.

City Manager Schneider informed the Council that Michael and Michelle Gonzales have made a request to purchase the North 25 feet of Replatted Lot 3 of Block 5, First Addition to the City of McCook, Red Willow County, Nebraska. They own the lots directly to the north of this lot. The lot is located directly between the McCook Public Library and the Gonzales' residence. He noted that Staff believes the sale of the property to be appropriate for the following reasons – the City recently completed a parking lot adjacent to the Library; there is a curb stop that serves as a barrier to the lot at issue; the City is responsible for maintaining the lot; due to the curb stop, the lot is no longer a natural extension to the Library property; city maintenance of the small strip of property might become more of a hassle now that it is divided from the Library, and that the parcel cannot be built on by another party. Current lot area and lot width requirements would make it impossible for

another party to build a new dwelling structure. A lot line adjustment would be an option if the request were to be granted. Drainage issues have been noted by the Gonzales family on the lot during rain events. They could utilize this area to relieve some of the drainage issues. Staff requested that a market value estimate be completed by Golden Plains Realty to determine the value of the lot. The estimated value of the lot per Golden Plains Realty is \$0.44 per square foot for a total of \$1,540. Mr. Gonzales has indicated that he would be willing to pay the suggested price.

Mary Lou Drake, 1515 W 2, spoke in opposition of this proposed sale, noting that land is too valuable and encouraged the Council to give careful thought to the future of the library.

The Mayor then stated the question: "Shall Ordinance No. 2014-2913 be approved upon its first reading?" Upon roll call vote the following Councilmembers voted YEA: Berry, Calvin, Hepp, McDowell. NAY: None. ABSTAIN: Gonzales. Motion carried. Whereupon the Mayor declared said Ordinance No. 2014-2913 approved on its first reading.

COUNCIL COMMENTS.

Council members encouraged all to get out and vote tomorrow.

(8) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:05 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk