

MCCOOK CITY COUNCIL
December 1, 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, 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 November 26, 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 - 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) ADMINISTER OATH OF OFFICE FOR THE NEWLY ELECTED COUNCILMEMBERS MIKE GONZALES, BRUCE MCDOWELL, AND GENE WEEDIN.

City Manager Schneider presented Mayor Berry with a plaque in recognition of his excellent and dedicated service to the City of McCook while serving on the Council, 12 as Mayor. He also presented him with a picture of the McCook Municipal Center signed by the employees of the City.

Mayor Berry stated that it has been a privilege to serve the citizens of McCook and to work with the city staff and council, present and previous.

City Clerk Doak administered the oath of office to the newly elected Councilmembers Mike Gonzales, Bruce McDowell, and Gene Weedon.

(4) REORGANIZATION OF THE CITY COUNCIL:

-- Election of Mayor

City Manager Schneider called for nominations from the Council for the office of Mayor (President) of the Council. Jerry Calvin nominated Mike Gonzales. Bruce McDowell seconded the nomination. There being no further nominations, the nominations were declared closed. Upon a roll call vote of the Council, Jerry Calvin, Mike Gonzales, Janet Hepp, Bruce McDowell, and Gene Weedon voted yea. City Manager Schneider thereupon declared Mike Gonzales to be elected as Mayor and he assumed the chair at that time.

-- Election of Vice President of the Council

Mayor Gonzales asked for nominations from the Council for the office of Vice President of the Council. Jerry Calvin nominated Janet Hepp. Gene Weedon seconded the nomination. There being no further nominations, the nominations were declared closed. Upon a roll call vote of the Council, Jerry Calvin, Mike Gonzales, Janet Hepp, Bruce McDowell, and Gene Weedon voted yea. Mayor Gonzales thereupon declared Janet Hepp to be elected as Vice President of the Council.

(5) DETERMINATION OF SEATING ORDER.

Based on the policy set by previous Council, the Councilmembers at this time chose their seats by seniority. The seating order for this Council shall be:

From left to right – City Clerk/Treasurer Doak, City Attorney, City Manager Schneider, Councilmember McDowell, Councilmember Calvin, Mayor Gonzales, Councilmember Weedon, and Councilmember Hepp.

(6) CITIZEN'S COMMENTS.

There were no citizen's comments.

(7) ANNOUNCEMENTS & RECOGNITIONS.

There were no announcements or recognitions.

(8) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE NOVEMBER 17, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the November 17, 2014 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

ITEM B APPROVE AND EXECUTE TWO SEPARATE FARM LEASES WITH JASON, JEREMY, AND DEREK MEYERS, D/B/A MEYERS BROTHERS, FOR CITY OWNED DRY FARM LAND ADJACENT TO THE MCCOOK BEN NELSON REGIONAL AIRPORT AND THE WEST WELL FIELD FARM GROUND.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to

approve and execute two separate farm leases with Jason, Jeremy, and Derek Meyers, d/b/a Meyers Brothers, for City owned dry farm land adjacent to the McCook Ben Nelson Regional Airport and the West Well Field farm ground. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

ITEM C RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION FOR MANAGER SUBMITTED BY GIPH RESTAURANTS, LLC, DBA "PIZZA HUT OF MCCOOK", 811 NORTH HIGHWAY 83, WHICH HOLDS LICENSE #A-56127, THE APPLICANT BEING KEVIN L. COX.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by GIPH Restaurants, LLC, dba "Pizza Hut of McCook", 811 North Highway 83, which holds License #A-56127, the applicant being Kevin L. Cox. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

REGULAR AGENDA

(9) RECEIVE AND FILE A REPORT REGARDING A PRESENTATION MADE TO THE COUNCIL OF STATE GOVERNMENTS OUTLINING THE FEASIBILITY OF EXPANDING THE WORK ETHIC CAMP.

Councilmember Calvin reported on a presentation made to the Council of State Governments outlining the feasibility of expanding the Work Ethic Camp at McCook.

Jason Meyers, rural resident, requested that if the expansion occurs that security and communication with the public be addressed.

(10) INTRODUCE, APPROVE UPON ITS FIRST READING, ORDINANCE NO. 2014-2914 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 TO EUGENE E. AND/OR NANCY J. MORRIS.

Mayor Gonzales introduced Ordinance No. 2014-2914 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 EUGENE E. AND/OR NANCY J. MORRIS; 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. 2014-2914 was introduced and read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember McDowell, to approve Ordinance No. 2014-2914 on its first reading.

City Manager Schneider outlined a process for submittal of bids on city-owned property. Bids should be submitted by 4:00 P.M. the Monday before a council meeting. Based off of the current high bid, the minimum increase will be \$50 with no maximum, with the City reserving the right to reject all bids.

Mr. Morris addressed the Council regarding his bid. He expressed concerns that the sale of the property wasn't being handled appropriately and appreciated the rules presented by Mr. Schneider. Mr. Morris withdrew his bid, indicating that he was no longer interested in the property.

Michelle Gonzales addressed the Council regarding the Gonzales' desire to purchase and improve this property. She indicated that she was disappointed the sale had been delayed by the bid from Mr. Morris.

Mayor Gonzales stated that he would abstain from consideration of this item.

Upon roll call vote the following Councilmembers voted YEA: None. NAY: Calvin, Hepp, McDowell, Weedin. ABSTAIN: Gonzales. Motion failed.

(11) COUNCIL COMMENTS.

Councilmember Hepp noted that she had recently stopped and thanked a Work Ethic Camp inmate for his assistance with the decorating of the Norris islands.

Councilmember Weedin stated that he was humbled to be on the Council and to be a servant of the public, adding that McCook is a great community.

Councilmember McDowell and Mayor Gonzales welcomed Councilmember Weedin to the Council.

Councilmember Calvin and Mayor Gonzales thanked Dennis Berry for his years of service and his positive influence to the City of McCook.

Councilmember Calvin thanked the Fire and Police Departments, the Source Gas personnel, and all others who responded to the scene, for their professionalism and dedication handling the very serious situation this past week regarding a gas leak at a residence. He recognized the SourceGas technician for his selflessness when responding to this call.

Councilmember Gonzales acknowledged the Chamber of Commerce and City for the work done decorating the Norris Avenue islands. He noted that an outside contractor had been hired to install the Christmas lights on several trees on each island. He thanked the Council for allowing him to serve as Mayor, he is honored.

(12) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR A STRATEGY SESSION WITH RESPECT TO LITIGATION WHICH IS IMMINENT AS EVIDENCED BY COMMUNICATION OF A CLAIM OR THREAT OF LITIGATION TO THE PUBLIC BODY REGARDING PROPERTY OWNED BY NORTH POINTE PROPERTIES, LLC, FORMERLY KNOWN AS "Q STREET VILLAGE".

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to move into executive session for a strategy session with respect to litigation which is imminent as evidenced

by communication of a claim or threat of litigation to the public body regarding property owned by North Pointe Properties, LLC, formerly known as "Q Street Village" at 8:40 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

The Mayor then stated 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 litigation which is imminent as evidenced by communication of a claim or threat of litigation to the public body regarding property owned by North Pointe Properties, LLC, formerly known as "Q Street Village". 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 9:15 P.M.

(13) ADJOURNMENT.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 9:16 P.M.

Mike Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk