

MCCOOK CITY COUNCIL
December 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: Mayor Gonzales, Councilmembers Calvin, Hepp, McDowell, Weedn.

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 December 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.

Mayor 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, 1ST CONGREGATIONAL 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.

Steve Fritz, McCook resident, addressed the Council regarding the sale of the library property and if the true cost has been identified for the City hauling of the trash to the J Bar J Landfill.

(4) ANNOUNCEMENTS & RECOGNITIONS.

Police Chief Brown introduced Kyle Rappold as a new patrol officer for the City.

City Manager Schneider informed the Council that he had made a brief statement to the Council of State Governments regarding utilization of the Work Ethic Camp located in McCook to address Nebraska prison issues.

(5) PUBLIC HEARING:

ITEM A PUBLIC HEARING - FINAL PLAT OF GALLATIN SUBDIVISION.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed Final Plat of Gallatin Subdivision with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager Report prepared for the December 15, 2014 City Council meeting; Exhibit #2 - proposed Resolution No. 2014-20; Exhibit #3 - City Manager's Report prepared for the December 8, 2014 Planning Commission meeting; Exhibit #4 - Notice of Public Hearing published; Exhibit #5 - List of property owners received notification of hearing; Exhibit #6 - Land Use Application filed by the applicant; Exhibit #7 - minutes of the December 8, 2014 Planning Commission meeting; Exhibit #8 - proposed Subdivision Agreement, redacting paragraph #4, Exhibit #9 - plat survey; and Exhibit #10 - proposed plat of Gallatin Subdivision, Lots 1 - 3.

Gary Dicenta, Miller and Associates represented the applicant. They are making this request for a minor subdivision of three lots for property located within the two-mile jurisdiction of the City of McCook. The original request was for four lots. Lot 4 was removed upon the request of the Planning Commission. He has contacted the Red Willow County Commissioners and they have no issues, only request that they be contacted before any drives are installed.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM B ADOPT RESOLUTION NO. 2014-20 PROVIDING FOR THE APPROVAL OF THE FINAL PLAT OF GALLATIN SUBDIVISION.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2014-20 providing for the approval of the final plat of Gallatin Subdivision. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM C APPROVE THE SUBDIVISION AGREEMENT FOR GALLATIN SUBDIVISION, A SUBDIVISION TO THE COUNTY OF RED WILLOW, NEBRASKA.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the Subdivision Agreement for Gallatin Subdivision, a subdivision to the County of Red Willow, Nebraska as amending by the removal of paragraph #4. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

(6) CONSENT AGENDA:

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

Steve Fritz, member of the public in attendance, requested that Item K be removed from the Consent

Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE DECEMBER 1, 2014 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the December 1, 2014 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM C Ratify the Mayor's appointment to the:

- Economic Development Plan Citizen's Advisory Review Committee - appoint Dennis Berry to replace Flora Lundberg - term expires July 2016; and the
- Board of Health - appoint Mike Gonzales, Mayor - term expires June 2015.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to Ratify the Mayor's appointment to the Economic Development Plan Citizen's Advisory Review Committee - appointing Dennis Berry to replace Flora Lundberg - term expires July 2016 and to the Board of Health - appointing Mike Gonzales, Mayor - term expires June 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM D ADOPT RESOLUTION NO. 2014-21 PROVIDING FOR THE APPROVAL OF AN ADDENDUM TO THE MCCOOK PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 2100 COLLECTIVE BARGAINING AGREEMENT WITH THE CITY ADDING DECEMBER 24TH AS A DESIGNATED ONE-HALF HOLIDAY UNDER THE COLLECTIVE BARGAINING AGREEMENT.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2014-21 providing for the approval of an addendum to the McCook Professional Firefighters Association Local 2100 collective bargaining agreement with the City adding December 24th as a designated one-half holiday under the collective bargaining agreement. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM E ADOPT RESOLUTION NO. 2014-19 PROVIDING FOR THE AMENDMENT OF SECTION 4.13 - HOLIDAY AND SECTION 5.5 - LEAVE - C. HOLIDAY OF THE CITY OF MCCOOK, NEBRASKA EMPLOYEE HANDBOOK AMENDED AS OF MAY 17, 2010, ADDING PROVISION FOR CHRISTMAS EVE HOLIDAY LEAVE.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2014-19 providing for the amendment of Section 4.13 - Holiday and Section 5.5 - Leave - C. Holiday of the City of McCook, Nebraska Employee Handbook amended as of May 17, 2010, adding provision for Christmas Eve holiday leave. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM F RECEIVE AND FILE THE MINUTES OF THE OCTOBER 15, 2014 LIBRARY ADVISORY BOARD AND THE DECEMBER 8, 2014 PLANNING COMMISSION MEETINGS.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the October 15, 2014 Library Advisory Board and the December 8, 2014 Planning Commission meetings. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

ITEM G APPROVE THE RECOMMENDATION OF THE FUEL CONTRACT ADVISORY COMMITTEE TO CONTINUE THE FUEL PURCHASE AGREEMENT, FOR CALENDAR YEAR 2015, WITH FRENCHMAN VALLEY COOPERATIVE, INC. TO PURCHASE FUEL FOR GOVERNMENT VEHICLES.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the recommendation of the Fuel Contract Advisory Committee to continue the Fuel Purchase Agreement, for Calendar Year 2015, with Frenchman Valley Cooperative, Inc. to purchase fuel for government vehicles. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

ITEM H GRANT THE REQUEST OF OH, WHAT A NIGHT, NEW YEAR'S EVE, MCCOOK TO CLOSE NORRIS AVENUE FROM NORTH OF THE CROSSWALK AT "E" STREET TO SOUTH OF THE CROSSWALK AT "D" STREET AND EAST "E" STREET FROM WEST OF THE CROSSWALK AT NORRIS AVENUE TO EAST OF THE CROSSWALK AT EAST 1ST STREET FROM 4:00 P.M., DECEMBER 31, 2014 UNTIL 1:00 A.M. ON JANUARY 1, 2015.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to grant the request of Oh, What A Night, New Year's Eve, McCook to close Norris Avenue from north of the crosswalk at "E" Street to south of the crosswalk at "D" Street and East "E" Street from west of the crosswalk at Norris Avenue to east of the crosswalk at East 1st Street from 4:00 P.M., December 31, 2014 until 1:00 A.M. on January 1, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

ITEM I APPROVE THE SELECTION OF W DESIGN ASSOCIATES FOR ENGINEERING SERVICES FOR THE MCCOOK INDUSTRIAL PARK PAVING PROJECT.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the selection of W Design Associates for engineering services for the McCook Industrial Park Paving Project. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

ITEM J APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CERTIFICATE OF SUBSTANTIAL COMPLETION AND ISSUE FINAL PAYMENT FOR THE EAST GOLF COURSE LIFT STATION UPGRADE.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve and authorize the Mayor to sign the Certificate of Substantial Completion and issue final payment for the East Golf Course Lift Station Upgrade. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

REGULAR AGENDA

ITEM 6B APPROVE THE AUTOMATIC RENEWAL OF ALL CURRENT RETAIL LIQUOR LICENSES IN THE CITY OF MCCOOK FOR THE YEAR 2015 AND INSTRUCT THE CITY CLERK TO PUBLISH INDIVIDUAL NOTICE OF THE RIGHT OF AUTOMATIC RENEWAL OF EACH LICENSE.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to approve the automatic renewal of all current retail liquor licenses in the City of McCook for the year 2015 and instruct the City Clerk to publish individual notice of the right of automatic renewal of each license. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM 6K APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW OR USED DAY CAB SEMI-TRACTOR FOR THE CITY OF MCCOOK TRANSFER STATION AND SET THE DATE TO RECEIVE BIDS AS DECEMBER 29, 2014 AT 1:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to approve the bid specifications for One (1) New or Used Day Cab Semi-Tractor for the City of McCook Transfer Station and set the date to receive bids as December 29, 2014 at 1:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

Steve Fritz questioned where the \$65,000 for the financing of the semi-tractor was coming from.

(7) REFUNDING KEYSTONE ECONOMIC DEVELOPMENT FUND BONDS:

Paul Grieger of D.A. Davidson presented information regarding the early redemption and refinancing of these bonds. The interest rate should be cut by about ½, the currently required bond reserve of \$112,000 would be eliminated, and there should be an estimated net savings of \$20,000 to \$25,000.

ITEM A APPROVE RESOLUTION 2014-22, AUTHORIZING THE CITY OF MCCOOK, NEBRASKA ECONOMIC FUND BONDS, SERIES 2009, DATED MAY 7, 2009, IN THE OUTSTANDING PRINCIPAL AMOUNT OF \$495,000.00 TO BE CALLED FOR REDEMPTION PAYMENT.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve Resolution 2014-22, authorizing the City of McCook, Nebraska Economic Fund Bonds, Series 2009, dated May 7, 2009, in the outstanding principal amount of \$495,000.00 to be called for redemption payment. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None.

ITEM B APPROVE RESOLUTION 2014-23, AUTHORIZING THE ISSUANCE OF ECONOMIC FUND REFUNDING BONDS OF THE CITY OF MCCOOK IN THE PRINCIPAL AMOUNT OF \$525,000.00 FOR THE PURPOSE OF REFUNDING BONDS, PRESCRIBING THE FORM OF THE BONDS, FOR PLEDGING SALES

TAX COLLECTIONS INTO THE MCCOOK ECONOMIC DEVELOPMENT FUND FOR THE PAYMENT OF SAID BONDS, PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING DELIVERY TO THE PURCHASER.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve Resolution 2014-23, authorizing the issuance of economic fund refunding bonds of the City of McCook in the principal amount of \$525,000.00 for the purpose of refunding bonds, prescribing the form of the bonds, for pledging sales tax collections into the McCook Economic Development Fund for the payment of said bonds, providing for the sale of the bonds and authorizing delivery to the purchaser. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None.

- (8) RECEIVE AND FILE A REPORT FROM REX NELSON, EXECUTIVE DIRECTOR OF THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION REGARDING THE CITY OF MCCOOK LB840 PROGRAM.

Rex Nelson, Executive Director of the McCook Economic Development Corporation, presented information regarding the City of McCook LB840 Program.

- (9) APPROVE 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 TO MICHAEL AND/OR MICHELLE GONZALES UPON ITS THIRD AND FINAL READING.

Ordinance No. 2014-2913 entitled,

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.

was considered upon its third and final reading.

Mayor Gonzales noted that he would be abstaining from consideration of this item.

Ordinance No. 2014-2913 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2014-2913 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Calvin, Hepp, McDowell, Weedon. NAY: None. ABSTAIN: Gonzales. 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.

- (10) COUNCIL COMMENTS.

Council comments included the thanking of those who have decorated their properties for the holidays and wishing all a Merry Christmas and a Healthy, Happy New Year.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:45 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk