

MCCOOK CITY COUNCIL
May 18, 2015
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, Weedin.

Absent: City Clerk Doak.

City Officials present: City Manager Schneider, City Attorney Mustion; Deputy City Clerk Schmidt, Police Chief Brown, Utilities Director Dutcher, Fire Chief Harpham and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 14, 2015, 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.

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.

Dale Cotton with the Historical Airforce Group and Tourism Group read to Council his plan regarding how to create jobs in McCook through tourism and encouraged the entire community to get involved.

Fred Petsch inquired about an "all clear" signal after a tornado warning. After the sirens were sounded during the last tornado warning, several people didn't know when the warning was over. Chief Harpham explained that there is no such thing as an "all clear" signal; the warning sirens are to get people who are outside, inside; if an all clear is sounded and then another warning, it might cause confusion; National Weather Service sets the expiration of a warning - the best place to get information as to the expiration of a tornado warning is from the television, or another solution is a weather radio.

(4) ANNOUNCEMENTS & RECOGNITIONS.

City Manager Schneider informed the Council and public in attendance that W-Design will be filling the position of Interim Building Inspector until someone is hired; individuals needing a permit will still contact the City Offices for their permits and W-Design will perform the inspections. Greg Wolford with W-Design said the process is going smoothly; City Staff is faxing or emailing applications and contractors are contacting their office for inspections.

Citizen Dale Cotton spoke up indicating that he would like to see homeowners wanting to do reshingle or paint their own homes not be required to obtain a permit; keep the process in place for the fly-by-nights coming to town.

Utilities Director Dutcher informed the Council that there are two water main leaks - a broken valve and a broken water main at the intersection of East K and 1st Streets; he provided a map to Council for their review as to location of leaks and is getting the word out now because there will be a disruption to traffic in that area for several days. Mayor Gonzales asked how much water service disruption will there be to homeowners? Dutcher explained that homeowners cannot be without water for more than eight hours and he is confident that will not be an issue; he will get information out to the media as the project progresses. Councilmember Calvin commented that the time is right - college is out and it's not football season so the traffic shouldn't be as great in that area. Councilmember Weedon inquired as to the age of the pipe; Dutcher explained that it has to be older than 50 years as it is the oldest part of town.

(5) PUBLIC HEARING:

ITEM A PUBLIC HEARING - REGARDING A REPORT FROM REX NELSON REGARDING THE CITIZEN'S ADVISORY COMMITTEE MEETING HELD JANUARY 26, 2015.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the report from Rex Nelson Regarding the Citizen's Advisory Committee meeting held January 26, 2015 with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager Report dated May 18, 2015; Exhibit #2 - Notice of Public Hearing published May 15, 2015; Exhibit #3 - Minutes of the Economic Development Plan Citizen's Advisory Review Committee regular meeting dated January 26, 2015.

MEDC Director Rex Nelson presented to Council his report "LB840 Program Allocations" as well as the "LB840 Program Balances" report dated 03/31/2015. City Attorney Mustion received both Exhibits into evidence as: Exhibit #4 - LB840 Program Allocations; and, Exhibit #5 - LB840 Program Balances. Nelson indicated an error in the January 26, 2015 minutes. City Attorney reviewed again the exhibits stating Exhibit #3 as the Amended Minutes of the Economic Development Plan Citizen's Advisory Review Committee regular meeting dated January 26, 2015.

Councilmember McDowell commented he noticed progress on the North Pointe and Clary projects; Councilmember McDowell asked the start date on the Business Park Paving project; City Manager Schneider indicated he has sent the contract to Eric Hellriegel with Miller & Associates to review. Councilmember Weedon asked Nelson when the Keystone building will be paid off; Nelson explained it is expected to be paid in 2018; there has been talk of refinancing but that is on hold for

now.

Citizen Wayne Michaelis asked Nelson what it is the Economic Development Plan Citizen's Advisory Review Committee does. Nelson explained that they are an advisory committee only and their primary purpose is to make sure what the MEDC is doing is in line with the Economic Development Plan. He further explained that there is also a loan committee, as well as, the ultimate direction coming from City Council.

There being no one else present to comment, upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, 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, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM B RECEIVE AND FILE THE MINUTES OF THE JANUARY 26, 2015 ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approved the minutes of the January 26, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

(6) APPROVE THE PROCLAMATION DESIGNATING MAY 17 - 23, 2015 AS "EMERGENCY MEDICAL SERVICES WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Fire Chief Harpham presented the request to Council and wanted to recognize several people: Citizens training in CPR and First Aid making the 911 call; Dispatchers as they play an important role in dispatching ambulances in Red Willow County; Law Enforcement who also respond with them on calls; the Hospital, particularly Dr. Richard Klug who has been their Medical Director for approximately 30 years at no charge; Volunteers and their families who dedicate their time responding to calls at all times, holidays, weekends, vacations; City Staff and City Council for their support. Mayor Gonzales commended Firefighter Shane Smith for the good job he did on the radio and his expression for appreciation to families of firefighters and volunteers.

Upon a motion by Councilmember McDowell, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating May 17 - 23, 2015 as "Emergency Medical Services Week" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

(7) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE MAY 4, 2015 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the minutes of the March 16, 2015 regular City Council meeting and the May 4, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM B APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE 2015 CONTRACT WITH THE WEST CENTRAL NEBRASKA AREA AGENCY ON AGING (WCNAAA) FOR THE PURPOSE OF DEFINING AND SPECIFYING THE SEPARATE AND MUTUAL RESPONSIBILITIES OF EACH IN THE MANAGEMENT, OPERATION, SUPPORT, MONITORING, AND EVALUATION OF THE MCCOOK HERITAGE SENIOR CENTER.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve and authorize the Mayor to sign the 2015 contract with the West Central Nebraska Area Agency on Aging (WCNAAA) for the purpose of defining and specifying the separate and mutual responsibilities of each in the management, operation, support, monitoring, and evaluation of the McCook Heritage Senior Center. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM C APPROVE THE AGREEMENTS BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE CITY OF MCCOOK FOR THE PURPOSE OF PROVIDING HOME DELIVERED MEALS, EXEMPT PUBLIC TRANSPORTATION, LOCAL MEDICAL TRANSPORTATION FOR APPOINTMENTS AND OTHER LOCAL TRANSPORTATION AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing home delivered meals, exempt public transportation, local medical transportation for appointments and other local transportation and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM D RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF APRIL 2015 AS PUBLISHED MAY 11, 2015.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to receive and file the claims for the month of April 2015 as published May 11, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM E RECEIVE AND FILE THE PROPOSED BUDGET PREPARATION CALENDAR FOR FISCAL YEAR 2015/2016.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to receive and file the Proposed Budget Preparation Calendar for Fiscal Year 2015/2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM F RATIFY THE MAYOR'S APPOINTMENT TO THE: BOARD OF HEALTH- REAPPOINT NATE SCHNEIDER, IKE BROWN, MIKE GONZALES, DR. RICHARD KLUG, AND MARY BETH EISENMENGER - TERMS EXPIRE JUNE 2016; HOUSING AGENCY BOARD - APPOINT RAYMOND LONG TO REPLACE JUDY DOW - TERM EXPIRES NOVEMBER 2020; LIBRARY BOARD - APPOINT MARY DUELAND TO REPLACE KAY NEUHAUS - TERM

EXPIRES JUNE 2017 AND REAPPOINT PAM WOLFORD - TERM EXPIRES JUNE 2018.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to ratify the Mayor's appointment to the Board of Health - reappoint Nate Schneider, Ike Brown, Mike Gonzales, Dr. Richard Klug, and Mary Beth Eisenmenger - terms expire June 2016; the Housing Agency Board - appoint Raymond Long to replace Judy Dow - term expires November 2020; the Library Board - appoint Mary Dueland to replace Kay Neuhaus - term expires June 2017 and reappoint Pam Wolford - term expires June 2018. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM G APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF LEASE BETWEEN THE CITY OF MCCOOK AND ALLTEL COMMUNICATIONS OF NEBRASKA, LLC, D/B/A VERIZON WIRELESS.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve and authorize the Mayor to sign the Memorandum of Lease between the City of McCook and Alltel Communications of Nebraska, LLC, d/b/a Verizon Wireless. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

ITEM H APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE FOURTH AMENDMENT TO TELECOMMUNICATIONS SITE LEASE AGREEMENT BETWEEN THE CITY OF MCCOOK AND ALLTEL COMMUNICATIONS OF NEBRASKA, LLC D/B/A VERIZON WIRELESS FOR THE EXPANSION OF THE LEASED GROUND SPACE FOR PREMISES LOCATED AT THE WEST WATER TOWER.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve and authorize the Mayor to sign the Fourth Amendment to Telecommunications Site Lease Agreement between the City of McCook and Alltel Communications of Nebraska, LLC d/b/a Verizon Wireless for the expansion of the leased ground space for premises located at the West Water Tower. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

REGULAR AGENDA

(8) APPROVE ORDINANCE NO. 2015-2916 AMENDING THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; AMENDING SECTION 31.23 - MEETING DAY AND TIME - QUORUM - CALL TO ORDER; SETTING THE TIME FOR REGULAR CITY COUNCIL MEETINGS AT 6:30 P.M., UPON ITS THIRD AND FINAL READING.

Councilmember McDowell commented that a couple people lobbied to keep the meeting at the same time for (1) it would be easier for them to remember; (2) some people have to work, while a half dozen people commented that the 6:30 would work for them. His hopes are that more people will come see what we do. Councilmember Weedon commented that he has not heard anyone speak in opposition of the meeting time change.

Ordinance No. 2015-2916 now came up for third and final reading. Ordinance No. 2015-2916 was

read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2015-2916 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

(9) COUNCIL COMMENTS.

Councilmember McDowell extended kudos to the Parks Department. He assisted with the Humane Society Disc Golf tournament this past weekend and the course was in excellent shape, everyone had a good time.

Councilmember Weedon informed the Council that Dennis Berry with Prairie Gold Homes gave him and Councilmember Hepp a tour of the old Public Safety Center. They were impressed with the improvements made so far; were introduced to the students and were impressed with them; they are working on an on-site house in McCook, purchased a van from a local dealership and lumber from a local business. Councilmember Hepp also commented that the students are family guys and nice people; that the recitizen rate for Prairie Gold homes is 100% - none make it back in the system, this helps them find a job, they take pride in their work.

Mayor Gonzales commented that there are approximately 84 different people serving on boards/committees for the City of McCook and appreciates their contribution and time to the City. He announced that, sadly, former Mayor Berry has decided to resign his position on the LB840 committee and that he is working toward getting seven (rather than five) members appointed to the committee by next meeting as per the ballot language on the May special election ballot.

(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:24 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lori Schmidt, Deputy City Clerk