

MCCOOK CITY COUNCIL
July 6, 2015
6:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 6:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Hepp, Calvin, McDowell, Weedin.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Chief of Police 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 July 2, 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. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

1. Citizen's comments.

Phyllis Ogg, 205 South 7th, reported a nuisance property at 205½ South 7th Street.

2. Announcements & Recognitions.

Utilities Director Dutcher informed the Council that the leak located at East 1st and East "K" Street has been repaired.

3. Public Hearing:

- A. Conduct a public hearing on the application of Tequilas Restaurants, Inc., dba "Tequilas Mexican Grill", for License #I-11308 - (Beer, Wine & Distilled Spirits, On Sale Only) under the Nebraska Liquor Control Commission, to be located at 205 Norris Avenue, McCook, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application of Tequilas Restaurants, Inc., dba "Tequilas Mexican Grill", for License #I-11308 - (Beer, Wine & Distilled Spirits, On Sale Only) under the Nebraska Liquor Control Commission, to be located at 205 Norris Avenue, McCook, Nebraska with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales,

Hepp, Calvin, McDowell, Weed. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report for the July 6, 2015 City Council meeting; Exhibit #2 - Notice of Hearing published; Exhibit #3 - the Police Department Liquor Application Report; Exhibit #4 - Notice of Receipt of Application to the Nebraska Liquor Control Commission; Exhibit #5 - letter from Randy Seybert, Nebraska Liquor Control Commission, Licensing Division; Exhibit #6 - Recommendation of the Nebraska Liquor Control Commission; Exhibit #7 - Application for Liquor License Checklist - Retail; Exhibit #8 - Application for Liquor License Retail; Exhibit #9 - Application for Liquor License Corporation insert - Form 3a; Exhibit #10 - Manager Application insert - Form 3c; Exhibit #11 - Submission of Fingerprints/Payment of Fees to NSP-CIS; Exhibit #12 - Point-of-Safe Payments Payport; Exhibit #13 - Commercial Lease Agreement; Exhibit #14 - Articles of Incorporation of Tequilas Restaurants, Inc.; Exhibit #15 - State of Nebraska certification that Tequilas Restaurants, Inc. was incorporated in the State of Nebraska; Exhibit #16 - Tequilas Restaurants, Inc., Business Plan; Exhibit #17 - Birth Certificate for Gabriela Abilene Hernandez-Lopez; Exhibit #18 - Gabriela Hernandez Passport; Exhibit #19 - Gabriela Abilene Hernandez-Lopez Voter Registration; Exhibit #20 - Miguel Esparza Birth Certificate; Exhibit #21 - Miguel Esparza Passport; and Exhibit #22 - Miguel Esparza Voter Registration.

There being no one 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, Weed. NAY: None.

- B. Recommend approval to the Nebraska Liquor Control Commission the application of Tequilas Restaurants, Inc., dba "Tequilas Mexican Grill", for License #I-11308 - (Beer, Wine & Distilled Spirits, On Sale Only) under the Nebraska Liquor Control Commission, to be located at 205 Norris Avenue, McCook, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Tequilas Restaurants, Inc., dba "Tequilas Mexican Grill", for License #I-11308 - (Beer, Wine & Distilled Spirits, On Sale Only) under the Nebraska Liquor Control Commission, to be located at 205 Norris Avenue, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weed. NAY: None.

4. Consent Agenda:

Councilmember McDowell requested that item B be removed from the Consent Agenda and placed on the Regular Agenda.

- A. Approve the minutes of the June 15, 2015 regular City Council meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weed, the Council voted to approve the minutes of the June 15, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weed. NAY: None.

- C. Approve and execute a consulting and services agreement with Harry A. Koch, Co., Insurance and Financial Consultants in the amount of \$5,000.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedin, the Council voted to approve and execute a consulting and services agreement with Harry A. Koch, Co., Insurance and Financial Consultants in the amount of \$5,000. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5. Regular Agenda:

4-B. Accept a McCook Community Foundation Fund grant in the amount of \$4,500 for a feasibility study of the McCook City Auditorium or for construction of a new convention/meeting facility and authorize the Mayor to sign the Grant Acceptance Form.

After discussion, the City Manager will bring back to the Council what the cost would be for a feasibility study.

Upon a motion by Mayor Gonzales, seconded by Councilmember Weedin, the Council voted to accept a McCook Community Foundation Fund grant in the amount of \$4,500 for a feasibility study of the McCook City Auditorium or for construction of a new convention/meeting facility and authorize the Mayor to sign the Grant Acceptance Form. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

A. Introduce and approve upon its first reading, Ordinance No. 2015-2917 amending the Municipal Code of the City of McCook, Nebraska; amending Section 35.032 - Senior Citizens Advisory Board; changing their meeting date from monthly to quarterly.

Mayor Gonzales introduced Ordinance No. 2015-2917 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; AMENDING SECTION 35.032 - SENIOR CITIZENS ADVISORY BOARD; CHANGING THEIR MEETING DATE FROM MONTHLY TO QUARTERLY; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2015-2917 was introduced and read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Weedin, to approve Ordinance No. 2015-2917 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2917 approved on its first reading.

B. Approve the plans and specifications for the construction of the new McCook Skatepark and set the date to receive bids as July 28, 2015 at 2:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the plans and specifications for the construction of the new McCook Skatepark and set the date to receive bids as July 28, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

C. Council Comments.

Fire Chief Harpham reported that there were no fire related calls and only one fireworks related call over the Fourth of July holiday weekend and the Mayor reminded all of the Special Meeting for budget review scheduled for July 27, 2015 at 6:30 P.M.

- D. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to collective bargaining - 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 the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57 at 7:02 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

Mayor Gonzales announced that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to collective bargaining - the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, City Clerk Doak, and Police Chief Brown.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move out of executive session at 7:45 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- E. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to collective bargaining - the McCook Professional Firefighters Association Local 2100.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move into executive session for the annual evaluation of the protection of public interest for a strategy session with respect to collective bargaining - the McCook Professional Firefighters Association Local 2100 at 7:50 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

Mayor Gonzales announced that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to collective bargaining - the McCook Professional Firefighters Association Local 2100. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, City Clerk Doak, and Fire Chief Harpham.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move out of executive session at 8:21 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to a potential real estate purchase.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to a potential real estate purchase at 8:22 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

Mayor Gonzales announced that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to a potential real estate purchase. The Council will reconvene in public session following this closed session.

Included in the executive session were City Manager Schneider, City Attorney Mustion, and City Clerk Doak.

Upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, the Council voted to move out of executive session at 8:33 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:34 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk