

MCCOOK CITY COUNCIL
July 20, 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 Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 16, 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.

Not one was present for citizen's comments.

2. Announcements & Recognitions.

City Manager Schneider reminded all of the special budget review meeting scheduled for next Monday, July 27, 2015 at 6:30 P.M.

3. Consent Agenda:

A. Approve the minutes of the July 6, 2015 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the minutes of the July 6, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

B. Approve the St. Patrick Catholic Church request to close East 4th Street from "F" Street to "G" Street and East "G" Street from East 3rd Street to East 4th Street on September 20, 2015 from 10:00 A.M. to 8:00 P.M. and to utilize city property for their Annual Fall Festival on September 19 and 20, 2015.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted

to approve the St. Patrick Catholic Church request to close East 4th Street from "F" Street to "G" Street and East "G" Street from East 3rd Street to East 4th Street on September 20, 2015 from 10:00 A.M. to 8:00 P.M. and to utilize city property for their Annual Fall Festival on September 19 and 20, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

C. Receive and file the claims for the month of June 2015 as published July 10, 2015.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to receive and file the claims for the month of June 2015 as published July 10, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

D. Approve the application for a Special Designated Liquor License submitted by the McCook Fraternal Order of Eagles, Liquor License #I-03700, for an outdoor Beer Garden/Fund Raiser/Dance in their parking lot, 805 East "B" Street, on August 22, 2015 from 5:00 P.M. to 11:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Fraternal Order of Eagles, Liquor License #I-03700, for an outdoor Beer Garden/Fund Raiser/Dance in their parking lot, 805 East "B" Street, on August 22, 2015 from 5:00 P.M. to 11:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

E. Ratify the Mayor's appointments to the Economic Development Plan Citizen's Advisory Review Committee - reappoint Troy Bruntz and Jerda Garey-Vickers - terms expire July 2018, appoint Danielle Johnson to replace Dennis Berry - term expires July 2016, and appoint Bill Burton and Gary Wiemers - terms expire July 2017.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to ratify the Mayor's appointments to the Economic Development Plan Citizen's Advisory Review Committee - reappoint Troy Bruntz and Jerda Garey-Vickers - terms expire July 2018, appoint Danielle Johnson to replace Dennis Berry - term expires July 2016, and appoint Bill Burton and Gary Wiemers - terms expire July 2017. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

4. Regular Agenda:

A. Approve under suspension of the rule, upon its second 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.

Ordinance No. 2015-2917 entitled,

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.

came up on its second reading.

Councilmember Weedon moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hepp seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Weedon moved for final passage of the Ordinance, which was seconded by Mayor Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2015-2917 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 all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- B. Discussion regarding Great Lakes Aviation enplanement numbers since April of 2014 and direct City of McCook Staff to contact Great Lakes Aviation to discuss whether or not continuation of essential air services at McCook Ben Nelson Regional Airport is feasible.

Through the City Manager's report the Council was provided with the following information:

[The City of McCook is currently contracted with Great Lakes Aviation to provide essential air service to McCook Ben Nelson Regional Airport. The contract began on June 1, 2014. The contract is for two years. Our contract requires Great Lakes Aviation to provide 12 flights per week, which equates to 624 flights per year. Great Lakes Aviation provides reports detailing its flight numbers. According to Great Lakes Aviation, there have only been 244 scheduled flights over the past 12 months. Of those 244 flights, 41 have been cancelled. The total actual number of flights Great Lakes Aviation has ran through McCook is 203. The percentage of flights not completed, according to Great Lakes Aviation's data, is 67.5%.

At our last Airport Advisory Commission meeting in May, Staff was charged with the task of reviewing the enplanement numbers and to discuss the matter with Great Lakes Aviation. Staff discussed the concerns with Chuck Howell of Great Lakes Aviation. Chuck Howell informed Staff that the reason for the low enplanement numbers was due to strict Federal guidelines regarding pilot training. Mr. Howell informed Staff that his company has been lobbying Congress to ease the restrictions. From Staff's perspective, this is the same course of action Great Lakes Aviation has been utilizing since the new safety requirements were implemented. The lobbying efforts have not been successful and since the regulations addressed safety concerns, Staff has been told that the modifications Great Lakes Aviation are proposing are unlikely.

The Airport Advisory Commission is recommending that we look at our contract with Great Lakes Aviation to determine whether continuation is in our best interest. There is little argument that the terms of our contract have not been upheld by Great Lakes Aviation. Staff would like to have formal direction to review our possibilities, which could include continuing with our contract as it currently stands or potentially

rescinding the contract due to Great Lakes Aviation's breach. Staff is asking the Council for permission to send an initial letter outlining the breach to Great Lakes Aviation.

Included with this report is a copy of the minutes from the March 25, 2014 joint McCook City Council and Airport Advisory Commission meeting for your review. The minutes show the concerns raised by the City during contract formalization as well as the stance of Great Lakes Aviation regarding its service.]

Council discussion included having Mr. Howell present at a council meeting to address the issues; sending a letter to Great Lakes Aviation and rescind their contract; the fact that Great Lakes Aviation is still going broke and can't pay their employees; the law passed regarding pilot training was not a surprise, they should have been more prepared; the need to reach out to someone else to provide the service; and not wanting to be left with no one providing the service.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to direct staff to contact Great Lakes Aviation to discuss whether or not continuation of essential air services at McCook Ben Nelson Regional Airport is feasible. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

C. Council Comments.

Council comments included congratulating the first Prairie Gold Homes graduating class, they have done an awesome job and thanking Fire Chief Harpham for taking the time to teach the graduating class CPR.

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 Hepp, 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 6:55 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 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 Weedon, seconded by Councilmember Hepp, the Council voted to move out of executive session at 7:25 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. 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 Weedin, seconded by Mayor Gonzales, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to collective bargaining - the McCook Professional Firefighters Association Local 2100 at 7:26 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 Weedin, seconded by Councilmember Calvin, the Council voted to move out of executive session at 7:47 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:50 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk