

MCCOOK CITY COUNCIL
August 3, 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, Library Director Crocker, Fire Chief Harpham, Police Sergeant Ortiz, 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 July 30, 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. Invocation was provided by Bruce Lester, pastor of the McCook Evangelical Church. 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.

No one was present for citizen's comments.

2. Announcements & Recognitions.

There were no announcements or recognitions.

3. Presentations.

- A. Stan Clouse, Account Manager, Nebraska Public Power District, update regarding quarterly lease payments and other local issues.

Stan Clouse, Brian Vasa, and Brian Buhr, representatives for Nebraska Public Power District, gave an update regarding local issues and their quarterly lease payments. Mr. Vasa also reviewed the Economic Demographic Trends for McCook, Red Willow County, and the surrounding area which NPPD prepares.

- B. Presentation from Barb Ostrum regarding the use of the City Auditorium for the annual Coat Closet and Toy Box and approve the use of Community Betterment Funds to pay for the rental of the City Auditorium for these events.

Barb Ostrum and Dennis Berry addressed the Council regarding the use of the City Auditorium for the annual Coat Closet and Toy Box and requested the use of Community Betterment Funds to pay for the rental of the City Auditorium for these events.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve the use of Community Betterment Funds to pay for the rental of the City Auditorium for the Coat Closet and Toy Box events for the upcoming fiscal year. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

4. Public Hearing and proposed FY 2015/2016 consideration.

A. Advertized Public Hearings:

- FY 2015/2016 Annual Budget

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the proposed FY 2015/2016 Annual Budget with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the August 3, 2015 City Council meeting and Exhibit #2 - the Notice of Hearing published.

City Manager Schneider reviewed the published notice with the Council.

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

- Set Final Tax Request at a different amount than the prior year

Upon a motion by Councilmember Calvin, seconded by Mayor Gonzales, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the setting the Final Tax Request for FY 2015/2016 at a different amount than the prior year with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the August 3, 2015 City Council meeting and Exhibit #2 - the Notice of Hearing published.

City Manager Schneider reviewed the published notice with the Council.

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

- B. Introduce and approve Ordinance No. 2015-2918 providing for the adoption of the budget for FY 2015/2016 upon its first reading.

Mayor Gonzales introduced Ordinance No. 2015-2918 by title. The Clerk read the Ordinance by title:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Ordinance No. 2015-2918 was introduced and read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember McDowell, to approve Ordinance No. 2015-2918 on its first reading.

City Manager Schneider reviewed the highlights of his proposed budget transmittal letter.

Lori Prestes, McCook Humane Society, again requested that the Council consider the addition of an Animal Control/Ordinance Officer. This person could serve the city and surrounding area and be funded through pet licenses, both cat and dog.

It was the consensus of the Council to form a committee to begin the process of addressing this request.

The Mayor then stated the question: "Shall Ordinance No. 2015-2918 be approved upon its first reading?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2918 approved on its first reading.

- C. Introduce and approve Ordinance No. 2015-2919 providing for the adoption of the 2015/2016 Fiscal Year Employee Classification Pay Plan upon its first reading.

Mayor Gonzales introduced Ordinance No. 2015-2919 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2015/2016 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2015-2919 was introduced and read by title only. Motion was made by Mayor Gonzales, seconded by Councilmember Calvin, to approve Ordinance No. 2015-2919 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedon. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2919 approved on its first reading.

- D. APPROVE INCREASE OF RESTRICTED FUNDS LIMIT BY AN ADDITIONAL 1% FOR UNUSED RESTRICTED FUNDS AUTHORITY.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the increase of the Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5. Consent Agenda:

Councilmember Weedin requested that Item D be removed from the Consent Agenda and placed on the Regular Agenda.

Councilmember Calvin requested that Item G be removed from the Consent Agenda and placed on the Regular Agenda.

- A. Approve the minutes of the July 20, 2015 regular City Council meeting and the July 27, 2015 special City Council meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the July 20, 2015 regular City Council meeting and the July 27, 2015 special City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Receive and file the minutes of the June 9, 2015 Senior Center Advisory Board regular meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the June 9, 2015 Senior Center Advisory Board regular meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Ratify the Mayor's appointments to the Parks Advisory Board - reappoint Harry Sughroue - term expires May 2018 and appoint Elizabeth Yilk to replace Michelle Gonzales - term expires May 2018.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to ratify the Mayor's appointments to the Parks Advisory Board - reappoint Harry Sughroue - term expires May 2018 and appoint Elizabeth Yilk to replace Michelle Gonzales - term expires May 2018. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- E. Approve the plans and specifications for Industrial Park Road and set the time and date to receive bids as 2:30 P.M. on August 25, 2015.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the plans and specifications for Industrial Park Road and set the time and date to receive bids as 2:30 P.M. on August 25, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Receive and file results of the Annual Reservoir Falloff Test for the Class I Non-Hazardous Deep Injection Well.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file results of the Annual Reservoir Falloff Test for the Class I Non-Hazardous Deep Injection Well. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

6. Regular Agenda:

5D. Award the bid for construction of the new McCook Skate Park on the west side of Bolles Canyon, to Dreamland Skateparks in the amount of \$130,000, which includes Alternate #1 calling for colored concrete in the amount of \$5,000.

Discussion included why the colored concrete; possible sources for funding of the \$5,000 for Alternate #1; possible funding options included the City, further donations, and in-kind donations.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to award the bid for construction of the new McCook Skate Park on the west side of Bolles Canyon, to Dreamland Skateparks in the amount of \$130,000, which includes Alternate #1 calling for colored concrete in the amount of \$5,000. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5G. Authorize SourceGas Distribution, LLC to occupy city right-of-way for the installation of underground gas distribution line along the north side of West "N" Street between West 9th Street and West 10th Street and along the east side of West 10th Street north of the West "N" Street and West 10th Street intersection and authorize the Mayor to sign the Application to Occupy Right of Way.

Councilmember Calvin introduced a motion to authorize SourceGas Distribution, LLC to occupy city right-of-way for the installation of underground gas distribution line along the north side of West "N" Street between West 9th Street and West 10th Street and along the east side of West 10th Street north of the West "N" Street and West 10th Street intersection and authorize the Mayor to sign the Application to Occupy Right of Way. Councilmember McDowell seconded the motion.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to amend the motion by striking "West 9th Street" and inserting "Missouri Avenue". The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The Mayor then stated the question: "Shall the motion on the floor be approved as amended?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried.

A. Council Comments.

Councilmember comments included congratulations to Prairie Gold Homes on a job well done and that previous comments about Great Lakes Aviation were not that they could not pay their pilots, but that they could not pay them at a higher rate comparable to other airlines, they continue to have financial issues.

B. 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 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 collective bargaining - the Fraternal Order of Police Lodge 57 at 8:00 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, and City Clerk Doak.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to move out of executive session at 8:25 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

C. 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 Councilmember Calvin, 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 8:26 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 8:42 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 8:43 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk