

MCCOOK CITY COUNCIL
August 17, 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, Police Chief Brown, Library Director Crocker, 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 August 13, 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 Gary Leitner, representing the 1st Assembly of God 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.

City Manager Schneider informed the Council that the Police Union and Fire Union contracts will be brought to the Council at the September 8 meeting for consideration.

Jody Crocker, speaking a volunteer, asked the Council for permission to create on committee for review of swimming pool needs.

Doug Skiles and Mark Graff, representing the McCook Community Foundation, presented a check to the City in the amount of \$4,500 to be used for a feasibility study for future use of the City Auditorium and the need for building a Convention/Meeting facility.

3. Public Hearing and proposed FY 2014/2015 consideration.

- A. Public Hearing - regarding a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held April 27, 2015 and July 27, 2015.

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 a report from Rex Nelson regarding the Citizen's Advisory Committee meetings held April 27, 2015 and July 27, 2015 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 Report prepared for the August 17, 2015 City Council meeting (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - McCook LB840 Economic Development Program Quarterly Report dated July 24, 2015 (5 pages); and Exhibit #4 - the Economic Development Plan Citizen's Advisory Review Committee minutes of the April 27, 2015 meeting (2 pages).

Troy Bruntz, member of the Citizen's Advisory Review Committee, and Rex Nelson, McCook Economic Development Corporation Executive Director reviewed the quarterly report with the Council.

Wayne Michaelis stated that he wished the Clary Village Project would have bought more locally, supporting the City with sales tax dollars.

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.

- B. Receive and file the minutes of the April 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the April 27, 2015 Economic Development Plan Citizen's Advisory Review Committee meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

4. Consent Agenda:

- A. Approve the minutes of the August 3, 2015 regular City Council meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the minutes of the August 3, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Authorize Great Plains communications to occupy city right-of-way for the installation of fiber optic cable along the north side of South Street beginning at South Highway 83 and moving west approximately 550 feet to Parker Hannifin and authorize the Mayor to sign the Application to Occupy Right of Way.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to authorize Great Plains communications to occupy city right-of-way for the installation of fiber optic cable along the north side of South Street beginning at South Highway 83 and moving west approximately 550 feet to Parker Hannifin and authorize the Mayor to sign the Application to Occupy Right of Way. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp,

Calvin, McDowell, Weedin. NAY: None.

5. Regular Agenda:

- A. Review and approve an easement with Jay and Kim Schilling for property legally described as Lot 16, Block 15, Original McCook, Red Willow County, Nebraska, said easement to be part of the Downtown Redevelopment Project.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve an easement with Jay and Kim Schilling for property legally described as Lot 16, Block 15, Original McCook, Red Willow County, Nebraska, said easement to be part of the Downtown Redevelopment Project. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve Ordinance No. 2015-2918 providing for the adoption of the budget for FY 2015/2016 upon its second reading.

Ordinance No. 2015-2918 entitled: 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, was considered on its second reading.

Motion was made by Mayor Gonzales, seconded by Councilmember Weedin, to approve Ordinance No. 2015-2918 on its second reading.

Discussion included review of proposed budget adjustments for the financing of operational equipment utilizing a loan from the Water Department, loan would be an estimated \$300,000 with an annual payment of around \$65,000; the addition of \$4,000 to the Ballparks Department for Wood Fiber, \$13,000 in the Transfer Station for New Axle Scales, and the reduction of \$16,200 for Lab Supplies in the Sewer Department; proposed street projects to be addressed utilizing sales tax funds; proposed Sales Tax Improvement projects included Jaycee Complex fence replacement with no backstops - \$50,000, protective netting at the Jaycee Complex, Pool Filtration System - \$50,000, remove and replace filtration sand at the Pool - \$70,000.

It was the consensus of the Council to proceed with utilizing an internal loan for funding of operational equipment for the General Fund; utilize \$46,000 in the Sales Tax Pool Improvements for Diving Board Standards; combine the proposed \$46,000 for Diving Board Standards for Senior Center Renovations giving a total of \$121,000; and designating \$60,000 sales tax dollars for Ballpark Improvements/Fence Replacement.

The Mayor then stated the question: "Shall Ordinance No. 2015-2918 be approved upon its second 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. 2015-2919 approved on its second reading.

- C. Approve Ordinance No. 2015-2919 providing for the adoption of the 2015/2016 Fiscal Year Employee Classification Pay Plan upon its second reading.

Ordinance No. 2015-2919 entitled: 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, was considered on its second reading.

Motion was made by Councilmember Weedin, seconded by Councilmember Hepp, to approve Ordinance No. 2015-2919 on its second 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. 2015-2919 approved on its second reading.

D. Council Comments.

Council comments included congratulations to McCook Community College on their improvements to Brooks Hall.

E. An Executive Session may be held upon a majority vote of the Council for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to move into executive session for the protection of public interest and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation at 8:18 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 and protection of attorney client privilege for a strategy session with their Attorney with respect to potential litigation involving a Zoning Regulation Violation. 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 Weedin, seconded by Mayor Gonzales, the Council voted to move out of executive session at 8:45 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 8:46 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk