

MCCOOK CITY COUNCIL  
September 8, 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, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 3, 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 Clark Bates, pastor of McCook Christian 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 were close to completion and requested that Items 4B, 4D, and 4E be removed from the Regular Agenda; that staff has met with Lori Prestes, McCook Humane Society Director, regarding the establishment of an Ordinance Officer; and that Library Director Crocker is in the process of contacting individuals to serve on the Swimming Pool Needs Committee.

**3. Consent Agenda:**

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

Wayne Michaelis requested that Item H and Item I be removed from the Consent Agenda and placed on the Regular Agenda.

A. Approve the minutes of the August 17, 2015 regular City Council meeting.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the minutes of the August 17, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- B. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Co., Liquor License #LK-093351, for Dueling Pianos to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on October 24, 2015 from 6:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Co., Liquor License #LK-093351, for Dueling Pianos to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on October 24, 2015 from 6:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- C. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Co., Liquor License #LK-093351, for a Class Reunion reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on September 26, 2015 from 4:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Co., Liquor License #LK-093351, for a Class Reunion reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on September 26, 2015 from 4:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- D. Approve the application for a Special Designated Liquor License submitted by Knights of Columbus 1126, Liquor License #I-003702, for a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on October 3, 2015 from 4:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the application for a Special Designated Liquor License submitted by Knights of Columbus 1126, Liquor License #I-003702, for a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on October 3, 2015 from 4:00 P.M. to 12:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- E. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for the Heritage Days Mixer to be held at McCook National Bank, 220 Norris Avenue, on September 23, 2015 from 5:30 P.M. to 7:00 P.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for the Heritage Days Mixer to be held at McCook National Bank, 220 Norris Avenue, on September 23, 2015 from 5:30 P.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- F. Approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park and the bandshell for entertainment on September 26 - 27, 2015; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until Sunday evening, the 100 block of East "G" Street beginning at 3:00 p.m. on Friday September 25 until Sunday evening, the 700 block of East 1<sup>st</sup> and the 100 block of East "H" Street beginning at 5:00 A.M. September 26, 2015 until Sunday evening, the 100 block of West "G" street from 5:00 a.m. on Saturday, September 26, 2015 until after the parade, the 200 block of East "H" Street from East 1<sup>st</sup> to the alley between East 1<sup>st</sup> and East 2nd from 5:00 A.M. to 6:00 P.M. on Saturday September 26<sup>th</sup> for a car show, if needed; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 26, 2015; and the use of City Streets around Norris Park from the conclusion of the parade until 6:00 P.M. on Saturday, September 26, 2015 for a car show.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park and the bandshell for entertainment on September 26 - 27, 2015; for the closing of Norris Avenue from "G" Street to "H" Street - after the parade on Saturday until Sunday evening, the 100 block of East "G" Street beginning at 3:00 p.m. on Friday September 25 until Sunday evening, the 700 block of East 1<sup>st</sup> and the 100 block of East "H" Street beginning at 5:00 A.M. September 26, 2015 until Sunday evening, the 100 block of West "G" street from 5:00 a.m. on Saturday, September 26, 2015 until after the parade, the 200 block of East "H" Street from East 1<sup>st</sup> to the alley between East 1<sup>st</sup> and East 2nd from 5:00 A.M. to 6:00 P.M. on Saturday September 26<sup>th</sup> for a car show, if needed; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 26, 2015; and the use of City Streets around Norris Park from the conclusion of the parade until 6:00 P.M. on Saturday, September 26, 2015 for a car show. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

#### **4. Regular Agenda:**

- 3G. Receive and file claim for damages from Dan Burns and instruct that it be submitted to the City's insurance carrier for review and appropriate action.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file claim for damages from Dan Burns and instruct that it be submitted to the City's insurance carrier for review and appropriate action. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- 3H. Award the bid for the Industrial Park Road paving to BSB Construction of Curtis, Nebraska in the amount of \$203,727.55, that being the lowest best bid.

Wayne Michaelis questioned what the City's share was for this project.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to award the bid for the Industrial Park Road paving to BSB Construction of Curtis, Nebraska in the amount of \$203,727.55, that being the lowest best bid. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- 3I. Approve bid documents and authorize the Clerk to advertise for bids to replace

approximately 380 feet of 6" water main on Centennial Drive and set the date to receive bids as September 29, 2015 at 2:00 P.M.

Utilities Director Dutcher and David Blau, Project Engineer for Miller and Associates, addressed the question from Mr. Michaelis regarding what happened to a pipe that was only 30 years old, stating that a water main leak was discovered approximately 100 feet east of 5<sup>th</sup> Street East and was excavated along the island between the driving lanes on Centennial Drive. Once exposed it was discovered that this existing ductile iron water main was heavily corroded. Upon further excavation of the line and potholing in varying locations, additional corrosion was observed along the line due to what appears to be corrosive soils. Because this could potentially be a long term maintenance issue, it was decided to replace this line which is the primary feed to over 30 homes in the area. PVC piping will be installed to eliminate the corrosive concerns to the existing metal pipe and reduce the potential for long term maintenance.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve bid documents and authorize the Clerk to advertise for bids to replace approximately 380 feet of 6" water main on Centennial Drive and set the date to receive bids as September 29, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

A. 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 Weedin, 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 6:50 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 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 7:13 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

B. Adopt Resolution No. 2015-17 ratifying the Collective Bargaining Agreement between the City of McCook and the Fraternal Order of Police, Lodge 57 for the period of October 1, 2015 to September 30, 2017 and authorize the Mayor to sign said agreement.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to remove this item from the agenda upon the request of City Manager Schneider. 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 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 McCook Professional Firefighters Association Local 2100 at 7:15 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, and City Clerk Doak.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to move out of executive session at 7:20 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Adopt Resolution No. 2015-18 ratifying the Collective Bargaining Agreement between the City of McCook and the Lieutenants Bargaining Unit of the McCook Professional Firefighters Association Local 2100 for the period of October 1, 2015 to September 30, 2020 and authorize the Mayor to sign said agreement.
- E. Adopt Resolution No. 2015-19 ratifying the Collective Bargaining Agreement between the City of McCook and the Firefighters Bargaining Unit of the McCook Professional Firefighters Association Local 2100 for the period of October 1, 2015 to September 30, 2020 and authorize the Mayor to sign said agreement.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to remove Item 4D and Item 4E from the agenda upon the request of City Manager Schneider. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Introduce and approve under suspension of the rule Ordinance No. 2015-2920 setting the salary and compensation of City Manager Nathan A. Schneider.

Mayor Gonzales introduced Ordinance No. 2015-2920 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA SETTING THE SALARY AND COMPENSATION OF THE CITY MANAGER OF THE CITY OF MCCOOK; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2015-2920 was introduced and read by title only. Mayor Gonzales moved that the

statutory rule requiring reading on three different days be suspended. Councilmember Calvin seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. 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.

Mayor Gonzales moved for final passage of the Ordinance, which was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2015-2920 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. 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.

Council noted that the annual salary was increased by the 1% COLA and the 2½% merit, as budgeted for all regular employees, to \$89,010.

G. Approve Ordinance No. 2015-2918 providing for the adoption of the budget for FY 2015/2016 upon its third and final 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 third and final reading.

Ordinance No. 2015-2918 was read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell.

Public Works Director Potthoff informed the Council that the City has been approved for a \$600,000 Federal Airport Improvement Grant for the construction of a new hangar at the airport, airport hail damage insurance reimbursement funds will be utilized for the City's match; the \$5,000 additional funding for the Skate Park has been proposed utilizing ACE Funds; in the future Council needs to address the future of the playground located on East "A" Street, should the equipment be updated, should the equipment be removed, should the City sell the property; and the addition of West 3<sup>rd</sup> Street paving from Prairie Ridge north to the city limits to the list of Street Improvements utilizing sales tax funds.

The Mayor then stated the question: "Shall Ordinance No. 2015-2918 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

H. Approve Ordinance No. 2015-2919 providing for the adoption of the 2015/2016 Fiscal Year Employee Classification Pay Plan upon its third and final 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 third and final reading.

Ordinance No. 2015-2919 was read by title only and thereafter Mayor Gonzales moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2015-2919 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

City Manager Schneider noted that wages for Police and Fire Union Contracts are figured into the schedules, a 1% Cost of Living Adjustment is included, and a 2½% merit is included for those who are eligible and that have earned upon their annual evaluation.

I. Council Comments.

Councilmember Calvin inquired about the situation with the City's current airline service and Councilmember Weedin, that with the current ongoing national situations, thanked all our Police Officers for the wonderful job that they do, they are often unappreciated.

■ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:11 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk