

MCCOOK CITY COUNCIL
September 21, 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, 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 September 17, 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 Brad Brauer, pastor of Our Savior Lutheran Church and St. Alban's Episcopal 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.

Police Chief Brown recognized Police Sergeant Owen McPhillips on his recent certification as a Master Fire Arms Instructor.

City Manager Schneider informed the Council that the City received notice from the Department of Transportation beginning the renewal process for the Essential Air Service; that final revisions are being made to the Downtown Improvement project and that the bid specifications should be ready for Council approval at the October 5 meeting; Jody Crocker is making personal contact with individuals regarding the pool committee; and announced Barry Mooney as the new Building Inspector, he has nine years of experience serving as the Building Official for the City of Russell, Kansas, his first day will be September 28.

3. Presentations:

- A. Receive and file the Annual Cashflow Analyses for the Water and Sewer Enterprise Funds, as prepared by Public Financial Management, Inc.

A telephone conference call was held with Jenny Blankenship, CPA for Public Financial Management (PFM) for review of the cashflow analyses for the Water and Sewer Enterprise Funds. Some of the key points were the Debt Coverage Ratios, the Ending Cash Balance, Cash Balance as % of O & M and Net Operating Income. No Water or Sewer rate increases were recommended.

4. Consent Agenda:

A. Approve the minutes of the September 8, 2015 regular City Council meeting.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the minutes of the September 8, 2015 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

B. Approve request from Memorial United Methodist Church to close East "E" Street from Norris Avenue to East First Street and the alley immediately east of the church between East "E" Street and East "F" Street on Sunday, October 11, 2015 from Noon to 6:00 P.M. for a Block Party.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve request from Memorial United Methodist Church to close East "E" Street from Norris Avenue to East First Street and the alley immediately east of the church between East "E" Street and East "F" Street on Sunday, October 11, 2015 from Noon to 6:00 P.M. for a Block Party. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

C. Approve the application for a Special Designated Liquor License submitted by Hillcrest Nursing Home Foundation, Inc., for a fund raiser to be held at the Hillcrest Nursing Home, 309 West 7th Street, on October 17, 2015 from 5:00 P.M. to 7:00 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by Hillcrest Nursing Home Foundation, Inc., for a fund raiser to be held at the Hillcrest Nursing Home, 309 West 7th Street, on October 17, 2015 from 5:00 P.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

D. Adopt Resolution No. 2015-20 setting the property tax request for FY 2015/2016 at a different amount than the property tax request for the prior year.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2015-20 setting the property tax request for FY 2015/2016 at a different amount than the property tax request for the prior year. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

E. Approve the use of Norris Avenue, both north bound and south bound lanes between "G" and "H" Streets, on Saturday, September 26, 2015 for BNSF to give rides on their kiddie "locomotive", as long as all safety concerns are met.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the use of Norris Avenue, both north bound and south bound lanes between "G" and "H"

Streets, on Saturday, September 26, 2015 for BNSF to give rides on their kiddie "locomotive", as long as all safety concerns are met. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #I-93351, for a Beer Garden to be held at the Kiplinger Arena, 1412 West 5th Street, on November 18, 2015 from 9:00 A.M. to 1:00 A.M. and November 19, 2015 from 9:00 A.M. to 11:00 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, LLC, Liquor License #I-93351, for a Beer Garden to be held at the Kiplinger Arena, 1412 West 5th Street, on November 18, 2015 from 9:00 A.M. to 1:00 A.M. and November 19, 2015 from 9:00 A.M. to 11:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- G. Receive and file the claims for the month of August 2015 as published September 14, 2015.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to receive and file the claims for the month of August 2015 as published September 14, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- H. Approve the request from the Ed Thomas YMCA to utilize city streets for their 2015 Heritage Days Road Race on Saturday, September 26, 2015 beginning at 7:30 A.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the request from the Ed Thomas YMCA to utilize city streets for their 2015 Heritage Days Road Race on Saturday, September 26, 2015 beginning at 7:30 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- I. Approve the request from AmFirst Bank to use Kelley Park, the Walking Trail, and city owned portions of the Old Broken Tee Golf Course for their Annual 5K Cross Country Road Race to be held on Saturday, October 17, 2015 between the hours of 4:00 P.M. and 10:00 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the request from AmFirst Bank to use Kelley Park, the Walking Trail, and city owned portions of the Old Broken Tee Golf Course for their Annual 5K Cross Country Road Race to be held on Saturday, October 17, 2015 between the hours of 4:00 P.M. and 10:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5. Regular Agenda:

- A. Introduce and approve on first reading Ordinance No. 2015-2921 vacating the dedicated alley located directly to the south of Lot 28, Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska.

Mayor Gonzales introduced Ordinance No. 2015-2921 by title. The Clerk read the Ordinance by title:

AN ORDINANCE TO VACATE THE DEDICATED ALLEY LOCATED DIRECTLY TO THE SOUTH OF LOT TWENTY-EIGHT (28), BLOCK ONE (1), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF ANY AND ALL 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. 2015-2921 was introduced and read by title only. Motion was made by Councilmember McDowell, seconded by Councilmember Weedon, to approve Ordinance No. 2015-2921 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. 2015-2921 approved on its first reading.

- B. Introduce and approve on first reading Ordinance No. 2015-2922 creating a new 20 foot alley to replace the vacated alley located directly to the south of Lot 28, Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska.

Mayor Gonzales introduced Ordinance No. 2015-2922 by title. The Clerk read the Ordinance by title:

AN ORDINANCE CREATING A NEW TWENTY FOOT (20') ALLEY TO REPLACE THE VACATED ALLEY LOCATED DIRECTLY TO THE SOUTH OF LOT TWENTY-EIGHT (28), BLOCK ONE (1), SOUTH MCCOOK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR THE DEDICATION OF SAID ALLEY; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF ANY AND ALL 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. 2015-2922 was introduced and read by title only. Motion was made by Councilmember Weedon, seconded by Councilmember McDowell, to approve Ordinance No. 2015-2922 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. 2015-2922 approved on its first reading.

- C. Introduce and approve on first reading Ordinance No. 2015-2923 authorizing the sale of Part of Block 1, South McCook Addition to the City of McCook, Red Willow County, Nebraska, more particularly described as follows: Beginning at the SW corner of Lot 29, Block 1, South McCook Addition, thence N02°24'55"W (assumed and all bearings relative to) along the west line of Lot 29 a distance of 59.86 feet to the SE Corner of Lot 28, thence S89°25'59"W along the south line of Lot 28 a distance of 44.19 feet to the SW corner of Lot 28, thence S00°47'07"E a distance of 59.85 feet, thence N89°26'40"E a distance of 43.80 feet to the Point of Beginning, said tract containing 2633.40 square feet more or less, subject to any easements, right-of-ways, or reservations of record.

Mayor Gonzales introduced Ordinance No. 2015-2923 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO JASON MICHAELIS; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2015-2923 was introduced and read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Hepp, to approve Ordinance No. 2015-2923 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2015-2923 approved on its first reading.

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 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 7:35 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 Police Chief Brown, City Manager Schneider, City Attorney Mustion, and City Clerk Doak.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 7:57 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

E. 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 Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to 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. 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 collective bargaining - the McCook Professional Firefighters Association Local 2100.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, 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 8:02 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 McCook Professional Firefighters Association Local 2100. The Council will reconvene in public session following this closed session.

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

Upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, the Council voted to move out of executive session at 8:22 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

G. 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.

Upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, the Council voted to 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. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

H. 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 Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to 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. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

I. Council Comments.

Council comments included noting the progress of the skate park, that Prairie Gold Homes is pouring the floor for the home to be looked by the hospital, and the possibility of holding an open house for the public to meet the new building official.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:40 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk