

MCCOOK CITY COUNCIL
October 19, 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, Weedon.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, 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 October 15, 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 Doug Griger, pastor of the United Memorial Methodist 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 this past weekend the Evangelical Free Church worked on various projects around town, including the cleanup of five of the nuisance properties and that Tyler Neff, who serves in the National Guards, has been deployed to Afghanistan. We appreciate his service to our Country and to the City, we will miss him and wish him well.

3. Proclamations.

- A. Approve the proclamation designating the month of October 2015 as "Domestic Violence Awareness Month" and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council approved the proclamation designating the month of October 2015 as "Domestic Violence Awareness Month" and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

4. Presentations.

- A. Receive and file a report from Eric Hellriegel of Miller and Associates, P.C., updating the McCook Downtown Revitalization Project.

Eric Hellriegel, Project Coordinator for Miller and Associates, gave an update of the Downtown Revitalization Project, presenting drawings of the proposed walking path from the parking lot on East First to Norris Avenue and the parking structure to be constructed in the parking lot.

5. Public Hearings.

- A. Public Hearing - proposed Redevelopment Plan for the Quillan Courts, L.L.C. Redevelopment Project Area 2015 as to its conformity with the general plan of the development of the City as a whole.

Upon a motion by Councilmember Weedon, 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 the proposed Redevelopment Plan for the Quillan Courts, L.L.C. Redevelopment Project Area 2015 as to its conformity with the general plan of the development of the City as a whole with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report prepared for the October 19, 2015 City Council meeting; Exhibit #2 - Notice of Hearing published and mailing list of those receiving advanced notice; Exhibit #3 - copy of letter to McCook Community College; Exhibit #4 - copy of letter to Chairman of the Board, Educational Service Unit No. 15; Exhibit #5 - copy of letter mailed to Chairman of the Board, Middle Republican NRD; Exhibit #6 - copy of letter mailed to Vesta Dack, Chairman Red Willow County Commissioners; Exhibit #7 - Tom Bredvick, President of the McCook School District Board; Exhibit #8 - Planning Commission minutes dated October 12, 2015 (2 pages); Exhibit #9 - McCook Planning Commission Resolution No. PC2015-06; Exhibit #10 - proposed Quillan Courts Redevelopment Plan (18 pages); Exhibit #11 - proposed Resolution No. 2015-21.

City Manager Schneider reviewed his presented City Manager's Report and the proposed Redevelopment Plan.

Rex Nelson, McCook Economic Development Corporation Executive Director, was present to address questions from the Council.

There being no one else present to comment, upon a motion by Mayor Gonzales, 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, Weedon. NAY: None.

Upon a motion by Mayor Gonzales, seconded by Councilmember McDowell, the Council voted to recess as a City Council and to convene as the McCook Community Development Agency for consideration of the CDA Agenda at 7:13 P.M.

MCCOOK COMMUNITY DEVELOPMENT AGENCY REGULAR MEETING

A regular meeting of the Community Development Agency of the City of McCook, Nebraska was

held on Monday, October 19, 2015, at 6:30 p.m., in City Council Chambers at the McCook Municipal Center, 505 West "C" Street, McCook, Nebraska, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act. Each member of the Agency was also given advance notice of the meeting as acknowledged. Additionally, reasonable efforts were made to provide advance notice of the time, date and place of the meeting to all news media requesting the same.

Mayor Gonzales presided and City Clerk Doak recorded the proceedings. The meeting was called to order at 7:13 p.m. and on roll call the following Agency members were present: Gonzales, Hepp, Calvin, McDowell, Weedin; the following Agency Members were absent: None. A quorum being present and the meeting duly commenced, the following proceedings were had and done while the meeting was open to the attendance of the public. The Mayor publicly announced that a copy of the Open Meetings Act is posted by the entrance to the Council Chambers and is available for public review.

1. Approve the minutes of the May 4, 2015 Community Development Agency regular meeting.

Upon a motion by Agency Member Calvin, seconded by Agency Member Weedin, the Agency voted to approve the minutes of the May 4, 2015 Community Development Agency regular meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

2. Adopt Resolution No. CDA 2015-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska submitted by Quillan Courts, L.L.C; approving a Cost Benefit Analysis, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions.

City Manager Schneider reviewed the proposed Redevelopment Plan during the Public Hearing held by the City Council on October 19, 2015.

Upon a motion by Agency Member Calvin, seconded by Agency Member Weedin, the Agency voted to adopt Resolution No. CDA 2015-04 recommending approval of a Redevelopment Plan of the City of McCook, Nebraska submitted by Quillan Courts, L.L.C; approving a Cost Benefit Analysis, approving a Redevelopment Project of the City of McCook, Nebraska; and approval of related actions. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

3. Adjournment.

There being no further business to come before the Agency, Mayor Gonzales declared the meeting adjourned at 7:15 P.M.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to recess as the McCook Community Development Agency and reconvene as the McCook City Council.

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- B. Adopt Resolution No. 2015-21 approving a Redevelopment Plan of the City of McCook, Nebraska; and related matters for the purpose of the development of Quillan Courts, L.L.C.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2015-21 approving a Redevelopment Plan of the City of McCook, Nebraska; and related matters for the purpose of the development of Quillan Courts, L.L.C. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

6. Consent Agenda.

Councilmember Hepp requested that Item C be removed from the Consent Agenda and placed on the Regular Agenda.

A. Approve the minutes of the October 5, 2015 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the October 5, 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 the McCook Area Chamber of Commerce for a Quarterly Networking Affair to be held at the McCook Municipal Auditorium, 302 West 5th Street, on December 9, 2015 from 5:30 P.M. to 7:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Quarterly Networking Affair to be held at the McCook Municipal Auditorium, 302 West 5th Street, on December 9, 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.

D. Approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the McCook Community Hospital Company Christmas Party to be held at the Peter and Delores Graff Event Center, 104 East "M" Street, on December 5, 2015 from 8:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the McCook Community Hospital Company Christmas Party to be held at the Peter and Delores Graff Event Center, 104 East "M" Street, on December 5, 2015 from 8:00 A.M. to 1:00 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 Mo Dough LLC, Liquor License #IK-057785, for the Valmont Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 19, 2015 from 9:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the Valmont Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 19, 2015 from 9:00

A.M. to 1:00 A.M. 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 Mo Dough LLC, Liquor License #IK-057785, for the Parker Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 12, 2015 from 9:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for the Parker Company Christmas Party to be held at the AFRC (Army Reserve Building), 38709 East Highway 6 & 34, on December 12, 2015 from 9:00 A.M. to 1:00 A.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 September 2015 as published October 19, 2015.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of September 2015 as published October 19, 2015. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- H. Approve an addendum to the Fixed Base Operator Lease Agreement between Griff Malleck, d/b/a Red Willow Aviation and the City of McCook to include an additional 90' by 75' concrete slab, 12' x 14' of said concrete to be added by Red Willow Aviation at Red Willow Aviation's cost.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve an addendum to the Fixed Base Operator Lease Agreement between Griff Malleck, d/b/a Red Willow Aviation and the City of McCook to include an additional 90' by 75' concrete slab, 12' x 14' of said concrete to be added by Red Willow Aviation at Red Willow Aviation's cost. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- I. Receive and file the minutes of the October 12, 2015 Planning Commission meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the October 12, 2015 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- J. Approve the bid specifications for two (2) new 2015 or 2016 3/4 Ton 4-Wheel Drive pickup trucks for the Street and Parks Departments, that includes an alternate for a third pickup for the Cemetery Department, and set the date to receive bids as November 9, 2015 at 2:30 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for two (2) new 2015 or 2016 3/4 Ton 4-Wheel Drive pickup trucks for the Street and Parks Departments, that includes an alternate for a third pickup for the Cemetery Department, and set the date to receive bids as November 9, 2015 at 2:30 P.M. The

motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

7. Regular Agenda.

6C. Approve the bid specifications for two (2) new 2016 All Wheel Drive or 4-Wheel Drive vehicles for use by the McCook Police Department and set the date to receive the bids as November 9, 2015 at 2:00 P.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to approve the bid specifications for two (2) new 2016 All Wheel Drive or 4-Wheel Drive vehicles for use by the McCook Police Department and set the date to receive the bids as November 9, 2015 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

A. Approve on third and final 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.

Considered on its third and final reading, Ordinance No. 2015-2921 entitled:

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 read by title only and thereafter Councilmember Weedin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2015-2921 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.

B. Approve on third and final 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.

Considered on its third and final reading, Ordinance No. 2015-2922 entitled:

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 read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2015-2922 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weed. 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.

- C. Approve on third and final 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 $N02^{\circ}24'55''W$ (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 $S89^{\circ}25'59''W$ along the south line of Lot 28 a distance of 44.19 feet to the SW corner of Lot 28, thence $S00^{\circ}47'07''E$ a distance of 59.85 feet, thence $N89^{\circ}26'40''E$ 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.

Considered upon its second reading, Ordinance No. 2015-2923 entitled:

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 read by title only and thereafter Councilmember Hepp moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2015-2923 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Calvin, Hepp, McDowell, Weed. 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.

D. Council Comments.

Council comments included opening of the skatepark was a success, it is being highly used, it is by far nicer than any other in our area, it is amazing, and thanked Rex Nelson's wife for having the vision of a skatepark; and recognized the Evangelical Free Church for their service to the community with the various projects they took part in this past weekend.

- 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 McDowell, 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 7:34 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 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 Weedon, seconded by Councilmember McDowell, the Council voted to move out of executive session at 7:41 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:42 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk