

MCCOOK CITY COUNCIL
May 2, 2016
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, 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 April 28, 2016, 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. 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.

There were no citizen's comments.

2. Announcements & Recognitions.

Fire Chief Harpham presented Public Works Employee Matt Coulter a Life Saving Award for his reaction to an incident when a teenager was trapped under a van, he may have saved his life.

3. Presentations:

- A. Receive and file a presentation from USI and MNB Insurance regarding insurance carrier selection.

USI representative Bobbi Fitzgerald and MNB Insurance representative Larry Eisenmenger presented information and a time line for the upcoming insurance carrier selection process.

4. Proclamations.

- A. Approve proclamation designating May 15, 2016 as "Police Officers Memorial Day" and the week of May 8 - 15, 2016 as "National Police Week" and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to approve proclamation designating May 15, 2016 as "Police Officers Memorial Day" and

the week of May 8 - 15, 2016 as “National Police Week” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the proclamation designating the week of May 1 - 7, 2016 as “Municipal Clerks Week” and authorize the Mayor to sign.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the proclamation designating the week of May 1 - 7, 2016 as “Municipal Clerks Week” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

5. Consent Agenda.

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

- A. Approve the minutes of the April 18, 2016 regular City Council meeting.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the minutes of the April 18, 2016 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- B. Approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing Home Delivered Meals, Exempt Public Transportation, Local Medical Transportation for appointments and other Local Transportation and authorize the Mayor to sign.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the agreements between the Nebraska Department of Health and Human Services and the City of McCook for the purpose of providing Home Delivered Meals, Exempt Public Transportation, Local Medical Transportation for appointments and other Local Transportation and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- C. Receive and file minutes of the Library Advisory Board dated March 10, 2016.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to receive and file minutes of the Library Advisory Board dated March 10, 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- D. Authorize the request for an extension of the McCook Downtown Revitalization Community Development Block Grant No. 12-DTR-105 for an additional three months to be added to the contract terms, extending the date until September 6, 2016 and authorize the Mayor to sign the letter of request.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to authorize the request for an extension of the McCook Downtown Revitalization Community Development Block Grant No. 12-DTR-105 for an additional three months to be added to the contract terms, extending the date until September 6, 2016 and authorize the Mayor to sign the letter of request. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin,

McDowell, Weedin. NAY: None.

- E. Approve the Joint Entity Agreement between the McCook City Library and Pioneer Consortium and authorize the Mayor to sign.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the Joint Entity Agreement between the McCook City Library and Pioneer Consortium and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- F. Award Contract #1 for the McCook 2016 Street Improvements to McCormick Excavation and Paving in the amount of \$402,258.00 and Contract #2, including both Alternates #1 and #2, to BSB Construction in the amount of \$383,227.60.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to award Contract #1 for the McCook 2016 Street Improvements to McCormick Excavation and Paving in the amount of \$402,258.00 and Contract #2, including both Alternates #1 and #2, to BSB Construction in the amount of \$383,227.60. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- G. Award the bid for the 2016 Armor Coating Project to Figgins Construction of Red Cloud, Nebraska in the amount of \$3.37 per gallon, that being the lowest best bid.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to award the bid for the 2016 Armor Coating Project to Figgins Construction of Red Cloud, Nebraska in the amount of \$3.37 per gallon, that being the lowest best bid. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- H. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a Rodeo Fundraiser Event to be held at the Kiplinger Arena, West 5th & "O" Streets (1408 West 5th Street), on May 21, 2016, from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a Rodeo Fundraiser Event to be held at the Kiplinger Arena, West 5th & "O" Streets (1408 West 5th Street), on May 21, 2016, from 4:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

- I. Approve the request from the City of McCook Fire Department to close West "D" Street from West 7th Street to West "C" Street on Monday, May 23, 2016 from 1:00 P.M. to 11:00 P.M. to conduct a mock multiple vehicle collision for EMS/Fire training.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to approve the request from the City of McCook Fire Department to close West "D" Street from West 7th Street to West "C" Street on Monday, May 23, 2016 from 1:00 P.M. to 11:00 P.M. to conduct a mock multiple vehicle collision for EMS/Fire training. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

6. Regular Agenda.

- 5J. Adopt Resolution No. 2016-09 adopting and approving the execution of an agreement to waive receipt of the non-primary entitlement funds apportioned to the McCook Ben Nelson Regional Airport in Fiscal Year 2016 and transferring these funds to another Nebraska Airport and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to adopt Resolution No. 2016-09 adopting and approving the execution of an agreement to waive receipt of the non-primary entitlement funds apportioned to the McCook Ben Nelson Regional Airport in Fiscal Year 2016 and transferring these funds to another Nebraska Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- A. Introduce and approve under suspension of the rule, Ordinance No. 2016-2929, which serves to clear up non-material ambiguities existing in Ordinance No. 2013-2897; an Ordinance of the City of McCook, Nebraska, the Official Zoning Ordinance for the City of McCook, Nebraska.

Mayor Gonzales introduced Ordinance No. 2016-2929 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2013-2897; PROVIDING FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2929 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. 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.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2016-2929 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. 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.

- B. Introduce and approve under suspension of the rule, Ordinance No. 2016-2927, amending Subsection 54.065 of the City of McCook Code of Ordinances, adding additional parks and the walking trail system.

Mayor Gonzales introduced Ordinance No. 2016-2927 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; AMENDING SECTION 54.065 - PUBLIC PARKS DEFINITION; ADDING ADDITIONAL PARKS AND THE WALKING TRAIL; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE

SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2927 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, 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.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2016-2927 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, 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.

- C. Introduce and approve under suspension of the rule, Ordinance No. 2016-2924, amending Subsection 94.02 of the City of McCook Code of Ordinances, amending notice to remove snow, sleet, mud, ice, or other substance from the sidewalk adjacent to any lot.

Mayor Gonzales introduced Ordinance No. 2016-2924 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; AMENDING SECTION 94.02 - SIDEWALKS - NOTICE; AMENDING NOTICE TO REMOVE SNOW, SLEET, MUD, ICE, OR OTHER SUBSTANCE FROM THE SIDEWALK ADJACENT TO ANY LOT; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2924 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, 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.

Councilmember Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Weedin. The Mayor then stated the question: "Shall Ordinance No. 2016-2924 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, 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.

- D. Approve Ordinance No. 2015-2926 approving the Final Planned Unit Development District to be known as Quillan Courts Planned Unit Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska) upon its second reading.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve Ordinance No. 2015-2926 approving the Final Planned Unit Development District to be

known as Quillan Courts Planned Unit Development District (as diagramed in Proposed Replat Clary Subdivision Replat No. 3, Clary Subdivision to the City of McCook, Red Willow County, Nebraska) upon its second reading. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

E. Council Comments.

Council comments included discussion of the new Water Department's Vacuum Excavation System and recognition of trio "Major Minor 3" who have been selected to perform the Star Spangled Banner at the Cornhusker State Games Opening Ceremonies.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:30 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer