

MCCOOK CITY COUNCIL  
June 6, 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, Weedin.

Absent: Councilmember McDowell.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Utilities Director Dutcher, Fire Chief Harpham, 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 June 6, 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. Invocation was provided by Bruce Lester, pastor of Evangelical Free 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.**

There were no citizen's comments.

**2. Announcements & Recognitions.**

There were no announcements or recognitions.

**3. Presentations.**

- A. Presentation by Isaiah Petty on the rehabilitation of the sand volleyball court in Kelley Park as his Eagle Scout Project and approve the Parks Advisory Board's recommendation to allow this project to move forward.

Isaiah Petty presented his request to rehabilitate the sand volleyball court in Kelley Park as his Eagle Scout Project.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to approve the Parks Advisory Board's recommendation to allow this project to move forward. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell.

**4. Public Hearings.**

- A. Conduct a public hearing on the application of Lyle & Sharla Laverack; dba "Club Paradise", for a Class "IB" - (Beer, Wine Distilled Spirits, On Sale, Beer Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 1006 West "B" Street, McCook, Nebraska.

Upon a motion by Mayor Gonzales, 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 application of Lyle & Sharla Laverack; dba "Club Paradise", for a Class "IB" - (Beer, Wine Distilled Spirits, On Sale, Beer Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 1006 West "B" Street, McCook, Nebraska with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the June 6, 2016 City Council meeting (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - the application and all attachments received from the Nebraska Liquor Control Commission (27 pages); and Exhibit #4 - Police Report (6 pages).

In the absence of the Chief of Police, City Manager Schneider reviewed the application and stated that city staff recommends approval of the application.

There being no one else present to comment, upon a motion by Councilmember Weedin, 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, Weedin. NAY: None. ABSENT: McDowell.

- B. Recommend approval to the Nebraska Liquor Control Commission the application of Lyle & Sharla Laverack; dba "Club Paradise", for a Class "IB" - (Beer, Wine Distilled Spirits, On Sale, Beer Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 1006 West "B" Street, McCook, Nebraska.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Lyle & Sharla Laverack; dba "Club Paradise", for a Class "IB" - (Beer, Wine Distilled Spirits, On Sale, Beer Off Sale Only) License under the Nebraska Liquor Control Commission, to be located at 1006 West "B" Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell.

## **5. Consent Agenda.**

Councilmember Weedin requested that Item N be removed from the Consent Agenda and placed on the Regular Agenda.

Mayor Gonzales requested that Item J and Item K be removed from the Consent Agenda and placed on the Regular Agenda.

- A. Approve the minutes of the May 16, 2016 regular City Council meeting.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the minutes of the May 16, 2016 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- B. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on August 27, 2016 from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on August 27, 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. McDowell.

- C. Approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., Liquor License #IDK-084561, for a dance/reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on July 2, 2016, from 4:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, 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 dance/reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on July 2, 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. McDowell.

- D. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba "Hi-Times Liquor Mart 1", Liquor License #DK-100025, for a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on July 8, 2016 from 12:00 P.M. to 12:30 A.M. on July 9, 2016.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba "Hi-Times Liquor Mart 1", Liquor License #DK-100025, for a dance/reception to be held at the McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on July 8, 2016 from 12:00 P.M. to 12:30 A.M. on July 9, 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- E. Approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for a reception to be held at the Peter and Dolores Graff Event Center, 104 East "M" Street, on November 10, 2016 from 1:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for a reception to be held at the Peter and Dolores Graff Event Center, 104 East "M" Street, on November 10, 2016 from 1:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- F. Approve the application for a Special Designated Liquor License submitted by Mo Dough LLC, Liquor License #IK-057785, for a reception to be held at the McCook AFRC, 38709 Hwy 6 & 34, on October 1, 2016 from 8:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough LLC,

Liquor License #IK-057785, for a reception to be held at the McCook AFRC, 38709 Hwy 6 & 34, on October 1, 2016 from 8:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- G. Approve the request from Rich Cappel to close the north half of the 100 Block of West Second Street on Friday, June 24, 2016 from 8:00 A.M. to 5:30 P.M. for NAPA's Re-Grand Opening.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the request from Rich Cappel to close the north half of the 100 Block of West Second Street on Friday, June 24, 2016 from 8:00 A.M. to 5:30 P.M. for NAPA's Re-Grand Opening. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- H. Receive and file the Financial Report for the period ending April 30, 2016.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to receive and file the Financial Report for the period ending April 30, 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- I. Approve and authorize the Mayor to sign the 2016/2017 contract with the West Central Area Agency on Aging (WCNAAA) for the purpose of defining and specifying the separate and mutual responsibilities of each in the management, operation, support, monitoring, and evaluation of the McCook Heritage Senior Center.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve and authorize the Mayor to sign the 2016/2017 contract with the West Central Area Agency on Aging (WCNAAA) for the purpose of defining and specifying the separate and mutual responsibilities of each in the management, operation, support, monitoring, and evaluation of the McCook Heritage Senior Center. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- L. Authorize staff to accept the grant offer agreement with the Federal Aviation Administration for Project No. 3-31-0052-014-2016 for the construction of a new 6 place t-hangar at McCook Ben Nelson Regional Airport and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to authorize staff to accept the grant offer agreement with the Federal Aviation Administration for Project No. 3-31-0052-014-2016 for the construction of a new 6 place t-hangar at McCook Ben Nelson Regional Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- M. Approve the route for the Young Professionals Group Color Run to be held on July 18, 2016 beginning at 7:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the route for the Young Professionals Group Color Run to be held on July 18, 2016 beginning at 7:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- O. Receive and file the 2016/2017 Budget Schedule.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to receive and file the 2016/2017 Budget Schedule. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- P. Approve the application for Great Plains to occupy city right of way for the purpose of installing an underground fiber optic cable to serve the Red Willow County Fairgrounds and authorize the Mayor to sign the application.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the application for Great Plains to occupy city right of way for the purpose of installing an underground fiber optic cable to serve the Red Willow County Fairgrounds and authorize the Mayor to sign the application. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

## **6. Regular Agenda.**

- 5J. Approve the request from the Prairie Roots Festival Committee for the use of Barnett Park including the west shelter house, electricity, fishing ponds, utility fields, sand volleyball courts, permission to block off the park road in front of the west shelter house, use of additional picnic tables, benches, trash cans and use of the Kelley Park Disc Golf Course and Skate Park for their Hear Nebraska Concert event on Sunday, August 7, 2016.

Dale Dueland, Ronda Graff, and Matt Sehnert, members of the Prairie Roots Festival Committee, presented their request for the Hear Nebraska Concert to be held on August 7, 2016 in Barnett Park.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the request from the Prairie Roots Festival Committee for the use of Barnett Park including the west shelter house, electricity, fishing ponds, utility fields, sand volleyball courts, permission to block off the park road in front of the west shelter house, use of additional picnic tables, benches, trash cans and use of the Kelley Park Disc Golf Course and Skate Park for their Hear Nebraska Concert event on Sunday, August 7, 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- 5K. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Beer Garden in conjunction with the Prairie Roots Festival to be held in Barnett Park, South Highway 83, on August 7, 2016 from 8:00 A.M. to 1:00 A.M.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Beer Garden in conjunction with the Prairie Roots Festival to be held in Barnett Park, South Highway 83, on August 7, 2016 from 8:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- 5N. Approve Change Order Number 1 for the McCook Downtown Parking Lot Improvement Project in the amount of \$5,545.82 and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve Change Order Number 1 for the McCook Downtown Parking Lot Improvement Project in the amount of \$5,545.82 and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. McDowell.

- A. Approve Ordinance No. 2016-2933 providing for the rezone of Block Eight (8), Lots Seven (7) through twelve (12), Brown's Park Addition to the City of McCook, Red Willow County, Nebraska, (a/k/a) from Business Commercial (BC) to Residential Medium Density (RM) District.

Considered upon its second reading, Ordinance No. 2016-2933 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING ORDINANCE NO. 2013-2897 BY CHANGING THE ZONING CLASSIFICATION OF BLOCK EIGHT (8), LOTS SEVEN (7) THROUGH TWELVE (12), BROWN'S PARK ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM BUSINESS COMMERCIAL (BC) TO RESIDENTIAL MEDIUM DENSITY (RM); PROVIDED 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. 2016-2933 was read by title only. Motion was made by Councilmember Weedin, seconded by Councilmember Hepp, to approve Ordinance No. 2016-2933 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, Weedin. NAY: None. ABSENT: McDowell. Motion carried. Whereupon the Mayor declared said Ordinance No. 2016-2933 approved on its second reading.

B. Council Comments.

Mayor Gonzales reminded the Council that their budget considerations need to be submitted to the staff by June 20.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:07 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer