

MCCOOK CITY COUNCIL

July 18, 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 Calvin, Hepp, McDowell, Weedon.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, Police Chief Brown, Utilities Director Dutcher, Fire Chief Mustion, and Public Works Director Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 14, 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 Terry McCorkle, representative of the McCook Ministerial Association. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

**1. Presentation.**

- A. Dick Trail, representative of the Nebraska Committee of Employer Support of the Guard and Reserve (ESGR), presentation to the City of McCook and the McCook Fire Department.

Dick Trail, representative of the Nebraska Committee of Employer Support of the Guard and Reserve (ESGR), presented an "Above and Beyond Award" to the City of McCook and the McCook Fire Department in appreciation of going above and beyond expectations in their support of Firefighter Tyler Neff as he serves overseas.

**2. Citizen's Comments.**

John Hubert requested that the City take into consideration the condition of Ravenswood Road, it is ten feet narrower than South Street, it should be safe to travel.

**3. Announcements & Recognitions.**

Fire Chief Harpham introduced James Slaten as the new Firefighter/Paramedic for the McCook Fire Department.

**4. Public Hearings:**

- A. Conduct a Public Hearing for the purpose of receiving input on the progress of Community Development Block Grants that the City of McCook received for Downtown Revitalization and paving at Industrial Park Drive.

Upon a motion by Councilmember Weedin, 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 progress of Community Development Block Grants that the City of McCook received for Downtown Revitalization and paving at Industrial Park Drive with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The City Attorney offered and received into evidence Exhibit #1 - City Manager's Report prepared for the July 18, 2016 City Council meeting (1 page) and Exhibit #2 - Notice of Hearing published (1 page).

City Manager Schneider stated that this hearing is to inform the public and City Council on the progress of the Community Development Block Grants the City of McCook has received:

- Downtown Revitalization - Initially funded in 2012 for planning funds in the amount of \$22,950. The remaining funds of \$11,550 were provided by matching money. Phase II, or the implementation stage, provided a grant of \$350,000 and the City matched with \$126,544.
- Paving project at Industrial Park Drive - Funded in 2013 by CDBG funds in the amount of \$105,000 for Infrastructure Improvements and \$3,000 for General Administration. Matching funds were from the City of McCook Economic Development Fund (\$46,000), McCook Economic Development Corporation (\$55,000), and the City of McCook (\$26,000), giving a total of \$127,000. The original application included \$525,000 matching funds from Booe Machinery & Salvage, LLC. Final financial figures based on contractual obligations and expenditures through 6/20/16 totaled \$223,589.85; \$102,835.95 CDBG funds and \$120,753.90 in matching funds.

David Blau, representative of Miller & Associates, stated that the Industrial Park paving project was completed in January and that the parking lot and Norris Avenue walkway for the Downtown Improvement project were opened to the public this past Friday. The project included resurfacing of the parking lot at East "D" and East First Streets, construction of a metal canopy and creating a landscaped walkway from the parking lot to Norris Avenue. Contractors are waiting on some electrical items to complete that project.

Mayor Gonzales questioned what style of light poles would be used. Public Works Director Potthoff responded that they would be similar to what has been installed at the front of Memorial Auditorium.

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, McDowell, Weedin. NAY: None.

- B. Public Hearing - Request from J. L. Construction/Joe Leamon for the creation of a minor subdivision, prospectively named Star Lane Addition, described as the North 150 Feet of Lot 2, Block 2, Third Fair Acres Addition to the City of McCook Red Willow County, Nebraska.

Upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the request from J. L. Construction/Joe Leamon for the creation of a minor subdivision, prospectively named Star Lane Addition, described as the North 150 Feet of Lot 2, Block 2, Third Fair Acres Addition to the City of McCook Red Willow County, Nebraska 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 - City Manager's Report dated July 18, 2016 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Property owners notified (1 page); Exhibit #4 - Land Use Action Request Form (4 pages); Exhibit #5 - the proposed Star Lane Addition plat; and Exhibit #6 - the minutes of the July 11, 2016 Planning Commission meeting.

City Manager Schneider reviewed the following information presented in his City Manager's Report:

"J.L. Construction/Joe Leamon is requesting the creation of a minor subdivision, physically located at the intersection of West "Q" Street and West 17<sup>th</sup> Street and currently described as the North 150' of Lot 2, Block 2, Third Fair Acres Addition to the City of McCook, Red Willow County, Nebraska. The area at issue is zoned Business Commercial. The applicant is requesting that the current lot be divided into three separate lots for business/commercial use. Staff has reviewed the subdivision regulations, and this request can be accomplished through the minor subdivision process. The size and scope of the lots comply with the zoning and subdivision regulation. In addition to the request, J.L. Construction/Joe Leamon and City staff, have established a subdivision agreement relative to potential infrastructure extensions and/or septic system requests. The City of McCook Planning Commission recommended approval of the minor subdivision at its July 11, 2015 meeting."

There being no one else present to comment, upon a motion by Councilmember Weedon, seconded by Councilmember Calvin, 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.

- C. Adopt Resolution No. 2016-13 creating a minor subdivision, named Star Lane Addition, and adopting the associated plat.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2016-13 creating a minor subdivision, named Star Lane Addition, and adopting the associated plat. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- D. Approve a subdivision agreement between JL Construction and the City of McCook, referencing future infrastructure development adjacent to proposed Star Lane Addition.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve a subdivision agreement between JL Construction and the City of McCook, referencing future infrastructure development adjacent to proposed Star Lane Addition. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

## **5. Consent Agenda.**

- A. Approve the minutes of the July 5, 2016 regular City Council meeting.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve the minutes of the July 5, 2016 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- B. Approve Resolution No. 2016-14 adopting the Quad Counties Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve Resolution No. 2016-14 adopting the Quad Counties Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- C. Receive and file the Financial Report for the period ending June 20, 2016.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to receive and file the Financial Report for the period ending June 20, 2016. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- D. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Doug Skiles and Mike Kugler - terms expire November 2018; City/County Airport Zoning Board - reappoint Richard Stull - term expires September 2019; Economic Development Plan Citizen's Advisory Review Committee - reappoint Leon Kuhlen and Danielle Johnson - terms expire July 2019; Economic Development Plan Loan Committee - reappoint Kent Craw and Doug Skiles - terms expire March 2019; and to the Board of Health - reappoint City Manager Nate Schneider, Chief of Police Ike Brown, Mayor Mike Gonzales, Dr. Richard Klug, and Mary Beth Eisenmenger - terms expire June 2017

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Doug Skiles and Mike Kugler - terms expire November 2018; City/County Airport Zoning Board - reappoint Richard Stull - term expires September 2019; Economic Development Plan Citizen's Advisory Review Committee - reappoint Leon Kuhlen and Danielle Johnson - terms expire July 2019; Economic Development Plan Loan Committee - reappoint Kent Craw and Doug Skiles - terms expire March 2019; and to the Board of Health - reappoint City Manager Nate Schneider, Chief of Police Ike Brown, Mayor Mike Gonzales, Dr. Richard Klug, and Mary Beth Eisenmenger - terms expire June 2017. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- E. Approve an addendum to the Lease Agreement entered into between the Southwest Area Training Service (SWATS) and City of McCook, extending the December 6, 1993 Lease Agreement to December 6, 2033.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve an addendum to the Lease Agreement entered into between the Southwest Area Training Service (SWATS) and City of McCook, extending the December 6, 1993 Lease Agreement to December 6, 2033. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- F. Approve the application for Great Plains to Occupy Water Department Easement for the purpose of installing an underground fiber optic cable to Gore Oil Co. and authorize the Mayor to sign the application.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve the application for Great Plains to Occupy Water Department Easement for the purpose of installing an underground fiber optic cable to Gore Oil Co. and authorize the Mayor to sign the application. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

- G. Receive and file the minutes of the July 11, 2016 Planning Commission meeting.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to receive and file the minutes of the July 11, 2016 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None.

## **6. Regular Agenda.**

- A. Introduce and approve on its first reading, Ordinance No. 2016-2936, modifying Chapter 38, Appendix M, of the City of McCook Code of Ordinances.

Mayor Gonzales introduced Ordinance No. 2016-2936 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 38: FEE SCHEDULE, APPENDIX M: BUILDING REGULATION AND ZONING APPLICATION FEES, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; 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. 2016-2936 was introduced and read by title only. Motion was made by Mayor Gonzales, seconded by Councilmember Hepp, to approve Ordinance No. 2016-2936 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2016-2936 approved on its first reading.

- B. Approve Ordinance No. 2016-2934 repealing repeals Chapter 110: Licensing of Construction Contractors of the City of McCook Code of Ordinances in its entirety upon its second reading.

Considered upon its second reading, Ordinance No. 2016-2934 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA REPEALING CHAPTER 110: LICENSING OF CONSTRUCTION CONTRACTORS OF THE CITY OF MCCOOK CODE OF ORDINANCES IN ITS ENTIRETY; 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. 2016-2934 was read by title only. Motion was made by Councilmember Calvin,

seconded by Councilmember Hepp, to approve Ordinance No. 2016-2934 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2016-2934 approved on its second reading.

- C. Approve Ordinance No. 2016-2935 amending Chapter 38: Fee Schedule, Appendix J: Occupation Taxes, of the Municipal Code of the City of McCook, Nebraska, repealing Paragraph C in its entirety upon its second reading.

Considered upon its second reading, Ordinance No. 2016-2935 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 38: FEE SCHEDULE, APPENDIX J: OCCUPATION TAXES, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA, REPEALING PARAGRAPH C IN ITS ENTIRETY; 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. 2016-2935 was read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Hepp, to approve Ordinance No. 2016-2935 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2016-2935 approved on its second reading.

- D. Council Comments.

Council comments included thanking the Fire Department for the wonderful job that they do and for going that extra mile while Tyler Neff is serving overseas; the fact that over 100 volunteers help the City by serving on its various boards and commissions; thanking local law enforcement personnel for all that they do to keep us safe, they are greatly appreciated; and the fact that a Super Two highway between North Platte and McCook appears to be moving forward in a positive manner.

- E. An Executive Session may be held for the protection of the public interest for a strategy session with respect to litigation that is imminent regarding the special assessment on property located at 810 West 4<sup>th</sup> Street.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin the Council voted to move into executive session for the protection of the public interest for a strategy session with respect to litigation that is imminent regarding the special assessment on property located at 810 West 4<sup>th</sup> Street at 7:06 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose of protection of the public interest for a strategy session with respect to litigation that is imminent regarding the special assessment on property located at 810 West 4<sup>th</sup> Street. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin, the Council voted to move out of executive session at 7:30 P.M. 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 annual evaluation of the job performance of City Manager Nathan A. Schneider.

Upon a motion by Councilmember Weedin, seconded by Councilmember Calvin the Council voted to move into executive session for the annual evaluation of the job performance of City Manager Nathan A. Schneider at 7:31 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the annual evaluation of the job performance of City Manager Nathan A. Schneider. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 8:17 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None.

■ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 8:17 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer