

MCCOOK CITY COUNCIL  
October 17, 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.

Absent: Councilmember Weedin.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Police Chief Brown, 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 October 13, 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 Jeff Kelley, 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.**

There were no announcements or recognitions.

**3. Proclamation.**

- A. Approve the proclamation designating the month of October 2016 as "Domestic Violence Awareness Month" and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to approve the proclamation designating the month of October 2016 as "Domestic Violence Awareness Month" and authorize the Mayor to sign. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

**4. Consent Agenda.**

- A. Approve the minutes of the October 3, 2016 regular City Council meeting.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the minutes of the October 3, 2016 regular City Council meeting. The yeas and nays were

called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

- B. Approve Resolution No. 2016-18 providing for the adoption of the City of McCook Regular Employee Retirement Plan, amended 401(k) Profit Sharing Plan and Trust effective January 1, 2016 and that the authorized representatives are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve Resolution No. 2016-18 providing for the adoption of the City of McCook Regular Employee Retirement Plan, amended 401(k) Profit Sharing Plan and Trust effective January 1, 2016 and that the authorized representatives are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

- C. Adopt Resolution No. 2016-17 approving the recommendation of the Airport Advisory Commission to set the rent at \$125.00 per unit for the new six plex hangar at McCook Ben Nelson Regional Airport.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to adopt Resolution No. 2016-17 approving the recommendation of the Airport Advisory Commission to set the rent at \$125.00 per unit for the new six plex hangar at McCook Ben Nelson Regional Airport. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

- D. Receive and file claim for damages from Joe Derauf and instruct that it be submitted to the City's insurance carrier for review and appropriate action.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to receive and file claim for damages from Joe Derauf and instruct that it be submitted to the City's insurance carrier for review and appropriate action. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

- E. Receive and file the claims for the month of September 2016 as published October 7, 2016.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to receive and file the claims for the month of September 2016 as published October 7, 2016. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

- F. Approve the bid specifications for One (1) New 2016 or 2017 Police Package or Special Services Vehicle for use by the McCook Police Department and set the date to receive bids as November 7, 2016 at 1:30 P.M.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve the bid specifications for One (1) New 2016 or 2017 Police Package or Special Services Vehicle for use by the McCook Police Department and set the date to receive bids as November 7, 2016 at 1:30 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedin.

- G. Approve Change Order No. 1 for the New 6 Place Hangar at the McCook Ben Nelson

Regional Airport in the amount of \$2,805.20.

Upon a motion by Mayor Gonzales, seconded by Councilmember Hepp, the Council voted to approve Change Order No. 1 for the New 6 Place Hangar at the McCook Ben Nelson Regional Airport in the amount of \$2,805.20. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedon.

## **5. Regular Agenda.**

- A. Approve, under suspension of the rules, Ordinance No. 2016-2944, amending the parameters bond ordinance relating to the authorization of up to \$10,000,000 in aggregate principal amount of Combined Utilities Revenue Refunding Bonds, Series 2016, of the City of McCook, Nebraska.

Mayor Gonzales introduced Ordinance No. 2016-2944 by title. The Clerk read the Ordinance by title:

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF MCCOOK, NEBRASKA OF ITS COMBINED UTILITIES REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING CERTAIN OFFICERS TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS, THE FINANCIAL COVENANTS AND OTHER TERMS AND PROVISIONS RELATING TO THE BONDS AND TO ENTER INTO A CONTRACT ON BEHALF OF THE CITY WITH THE PURCHASER OF SAID BONDS; PLEDGING THE REVENUES OF THE CITY'S SEWER, WATER AND SOLID WASTE COLLECTION SYSTEMS TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; DESIGNATING THE BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS; ADOPTING CERTAIN POST ISSUANCE TAX COMPLIANCE AND DISCLOSURE POLICIES AND PROCEDURES WITH RESPECT TO THE BONDS; AUTHORIZING THE AMENDMENT OF A LOAN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; REPEALING ORDINANCE NO. 2016-2943 OF THE CITY; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Ordinance No. 2016-2944 was introduced and read by title only. Mayor Gonzales moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hepp seconded the motion to suspend the rule and the yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedon. 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 McDowell. The Mayor then stated the question: "Shall Ordinance No. 2016-2944 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell. NAY: None. ABSENT: Weedon. 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. Approve Ordinance No. 2016-2941 providing for the amendment to Appendix D, Sewer Department Rates and Fees, upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2016-2941 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2012-2881 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2941 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember McDowell. The Mayor then stated the question: "Shall Ordinance No. 2016-2941 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Weedin. 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 Ordinance No. 2016-2942 amending Section 51.072 Determination of Use Charges, changing the language of how sewer usage is calculated for commercial and carwash facilities upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2016-2942 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 51 - SEWER REGULATIONS, SECTION 51.072 DETERMINATION OF USE CHARGES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Ordinance No. 2016-2942 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. 2016-2942 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Weedin. 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 extending condolences to Councilmember Weedin upon the passing of his father; congratulated Chief of Police Brown on being elected as the 2016-17 President of the Police Officer's Association of Nebraska; and extended appreciation to city staff for all the work put into the refinancing of the utility bonds, for a potential estimated savings of \$400,000.

▪ **Adjournment.**

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:45 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer