

MCCOOK CITY COUNCIL

April 17, 2017

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, 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 April 13, 2017, 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 Donelan, of the 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.**

No one was present for Citizen's Comments.

**2. Announcements & Recognitions.**

Utilities Director Dutcher informed the Council that the Public Water System Survey regarding cross connections will be mailed with the May 1 utility bills. The survey is conducted every five years and a 100% response of residential customers is required.

Senior Services Director Siegfried informed the Council that she will be traveling to Washington, DC on May 14 - 17, with six other Nebraska representatives, to visit with Senators Ben Sasse and Deb Fischer, asking them for their continued support of the Public Transit System, which is vital to rural Nebraska.

**3. Proclamations.**

- A. Approve the proclamation designating the month of April 2017 as "Sexual Assault Awareness Month" and authorize the Mayor to sign.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to approve the proclamation designating the month of April 2017 as "Sexual Assault 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, Weedin. NAY: None. Motion approved.

- B. Approve the proclamation designating April 28, 2017 as “Arbor Day” in the City of McCook and authorize the Mayor to sign.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedin, the Council voted to approve the proclamation designating April 28, 2017 as “Arbor Day” in the City of McCook and authorize the Mayor to sign. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

Public Works Director Potthoff informed the Council that the Arbor Day celebration is scheduled for April 25, 2017 at 1:30 P.M. at the Heritage Senior Center.

#### **4. Consent Agenda.**

- A. Approve the minutes of the April 3, 2017 regular City Council meeting.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the April 3, 2017 regular City Council meeting. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- B. 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 wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on May 20,2017 from 12:00 P.M. to 12:00 A.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, 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 wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on May 20, 2017 from 12:00 P.M. to 12:00 A.M. The yeas . and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- C. Approve the application for a Special Designated Liquor License submitted by Tyler Schmick, Schmick’s Market Inc., Liquor License #IDK~084561, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on May 20,2017 from 3:00 P.M. to 11:59 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by Tyler Schmick, Schmick’s Market Inc., Liquor License #IDK-084561, for a wedding reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5<sup>th</sup> Street, on May 20, 2017 from 3:00 P.M. to 11:59 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- D. Receive and file the claims for the month of March 2017 as published April 7, 2017.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to receive and file the claims for the month of March 2017 as published April 7, 2017. The

yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- E. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Richard Stull - term expires November 2019; Board of Zoning Adjustment - reappoint Tammie Hilker - term expires September 2019, reappoint Greg Larson, Ryan Moore, and Jerry Reitz - terms expire September 2020 and appoint Dennis Chipman, Alternate - term expires January 2020; Building & Housing Code Advisory and Appeals Board - reappoint Steve Walters - term expires September 2021 and Steve Lyne - term expires September 2020 and appoint Aaron Peterson - term expires September 2021; Economic Development Plan Loan Committee - reappoint Kent Kilpatrick - term expires March 2021; 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 2018; Library Advisory Board - reappoint Mary Dueland - term expires June 2021 and Sharon Bohling - term expires June 2020; Parks Advisory Board - reappoint Bill Larington - term expires May 2019 and Mark Friehe and Tom Lentz - terms expire May 2020; and to the Planning Commission - reappoint Adam Wolford, Terri Shipshock, and Tammie Hilker - terms expire September 2019 and reappoint Chad Lyons and Dale Dueland - terms expire September 2018.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Richard Stull - term expires November 2019; Board of Zoning Adjustment - reappoint Tammie Hilker - term expires September 2019, reappoint Greg Larson, Ryan Moore, and Jerry Reitz - terms expire September 2020 and appoint Dennis Chipman, Alternate - term expires January 2020; Building & Housing Code Advisory and Appeals Board - reappoint Steve Walters - term expires September 2021 and Steve Lyne - term expires September 2020 and appoint Aaron Peterson - term expires September 2021; Economic Development Plan Loan Committee - reappoint Kent Kilpatrick - term expires March 2021; 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 2018; Library Advisory Board - reappoint Mary Dueland - term expires June 2021 and Sharon Bohling - term expires June 2020; Parks Advisory Board - reappoint Bill Larington - term expires May 2019 and Mark Friehe and Tom Lentz - terms expire May 2020; and to the Planning Commission - reappoint Adam Wolford, Terri Shipshock, and Tammie Hilker - terms expire September 2019 and reappoint Chad Lyons and Dale Dueland - terms expire September 2018. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- F. Receive and file the Financial Report for the quarter ending March 31, 2017.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to receive and file the Financial Report for the quarter ending March 31, 2017. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- G. Approve the applications for Great Plains Communications to occupy city right of way for the purpose of installing underground fiber optic cable to provide internet and phone service to Memorial Park Cemetery, Quillan Court, McCook Regional Airport, City of McCook Transfer Station, and Hillcrest Nursing Home and authorize the Mayor to sign the applications.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve the applications for Great Plains Communications to occupy city right of way for the purpose of installing underground fiber optic cable to provide internet and phone service to Memorial Park Cemetery, Quillan Court, McCook Regional Airport, City of McCook Transfer Station, and Hillcrest Nursing Home and authorize the Mayor to sign the applications. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- H. Approve an application for Black Hills Energy to occupy public right of way for the purpose of installing underground piping to supply natural gas to a residence at #1 Spoon Drive and authorize the Mayor to sign the application.

Upon a motion by Councilmember Weedin, seconded by Councilmember McDowell, the Council voted to approve an application for Black Hills Energy to occupy public right of way for the purpose of installing underground piping to supply natural gas to a residence at #1 Spoon Drive and authorize the Mayor to sign the application. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

## **5. Regular Agenda.**

A. Approve Ordinance No. 2017-2948 providing for the amendment of Chapter 91 - Fire Prevention; Fireworks; Poisonous or Flammable Gas; Explosives; adding Section 91.23 Outdoor Fireplaces; of the City of McCook Code of Ordinances; creating specific rules relating to the construction and use of residential Fire Pits in McCook upon its second reading as amended.

Considered upon its second reading, Ordinance No. 2017~2948 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 91 - FIRE PREVENTION; FIREWORKS; POISONOUS OR FLAMMABLE GAS; EXPLOSIVES; ADDING SECTION 91.23 OUTDOOR FIREPLACES; 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. 2017-2948 was read by title only. Motion was made by Councilmember Hepp, seconded by Councilmember Weedin, to approve Ordinance No. 2017-2948 on its second reading as amended. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2017-2948 approved on its second reading as amended.

- B. Authorize and certify Lea Ann Doak, McCook City Clerk, as the City of McCook's agent responsible for making requests to the Tax Commissioner for the release of confidential sales and use tax returns and information, regarding taxpayers that possess a sales tax permit and the amounts remitted by such permit holders.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to authorize and certify Lea Ann Doak, McCook City Clerk, as the City of McCook's agent responsible for making requests to the Tax Commissioner for the release of confidential sales and use tax returns and information, regarding taxpayers that possess a sales tax permit and the amounts remitted by such permit holders. The yeas and nays were called and the vote was as follows: YEA:

Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

C. Council Comments.

Councilmember Weedin noted that the Choice Gas Selection period was April 13 - 27 and he encouraged all to make a selection for their gas provider.

- D. 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 Mayor Gonzales, seconded by Councilmember Calvin, 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 6:54 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

Mayor Gonzales stated for the record 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.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 7:08 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

- E. An Executive Session may be held upon a majority vote of the Council for the protection of public interest for a strategy session with respect to a confidential medical claim. Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to a confidential medical claim at 7:09 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

Mayor Gonzales stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to a confidential medical claim. 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 7:46 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

■ Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 7:47 P.M.

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Michael D. Gonzales, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer