

MCCOOK CITY COUNCIL
September 5, 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, Library Director Crocker, 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 August 31, 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 Wayne Vogel of the Church of Christ. 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.

Andrew Long, Vice President of McCook Community College, informed the Council that because of safety concerns and after discussion with city staff, they are recommending that the five angle parking stalls on the north side of East "M" Street and just to the west of Kelley Park Drive, be changed to parallel parking.

Jamie Mockry, McCook Chamber of Commerce Executive Director, informed the Council that they will be conducting a "Heritage Cemetery Tour" through Riverview and Memorial Park cemeteries during Heritage Days and that they are working with city staff to create some type of false ceiling for the auditorium that would be safe. Funds would be raised for the project.

Scott Felker thanked those who repaired the alley in the 200 block of Norris Avenue and presented some concerns with the condition of the alley in the 100 block of Norris Avenue; the dip at the corner of West 5th and "M" Street; and visibility issues in the 200 block of East 1st Street.

2. Announcements & Recognitions.

City Manager Schneider informed the Council that staff is currently working with Greg Wolford, the City's Street Superintendent, regarding ADA issues and costs estimates of installing sidewalk along North Highway 83, before bringing back to the Council for discussion.

3. Public Hearings.

- A. Public Hearing - Proposed FY 2016/2017 budget change in the Enterprise Fund in the amount of \$8,825,000 to allow for expenditures and revenues for the City of McCook, Nebraska Combined Utilities Revenue Refunding Bonds Series 2016.

Upon a motion by Councilmember Weedon, 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 proposed FY 2016/2017 budget change in the Enterprise Fund in the amount of \$8,825,000 to allow for expenditures and revenues for the City of McCook, Nebraska Combined Utilities Revenue Refunding Bonds Series 2016, with the City Attorney to act as hearing officer. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried.

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated September 5, 2017 (1 page); Exhibit #2 - Notice of Hearing to Amend Budget published (1 page); Exhibit #3 - proposed Ordinance No. 2017-2955; and Exhibit #4 - budget pages indicating proposed changes.

City Manager Schneider stated that it is necessary to amend the 2016/2017 Budget in the Enterprise Fund in the amount of \$8,825,000 to allow for expenditures and revenues resulting from the refinancing of the SRF Loans for Water and Sewer Departments utilizing Combined Utilities Revenue Refunding Bonds.

There being no one else present to comment, upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to adjourn the public hearing and to reconvene as a City Council. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion carried.

- B. Introduce and approve Ordinance No. 2017-2955, under suspension of the rule, providing for the adoption of the amended budget to be termed the Annual Appropriation Bill for FY 2016/2017.

Mayor Gonzales introduced Ordinance No. 2017-2955 by title. The Clerk read the Ordinance by title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA TO ADOPT THE AMENDED FY 2016/2017 BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO REPEAL ORDINANCE NO. 2016-2937; TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Ordinance No. 2017-2955 was introduced and read by title only. Councilmember Calvin 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, 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 McDowell. The Mayor then stated the question: "Shall Ordinance No. 2017-2955 be passed and adopted?" The yeas and nays were called and the vote was as follows: 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.

4. Consent Agenda.

- A. Approve the minutes of the August 21, 2017 regular City Council meeting and the August 28, 2017 special City Council meeting.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the minutes of the August 21, 2017 regular City Council meeting and the August 28, 2017 special City Council meeting. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion approved.

- B. 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 4-H Building, 1412 West 5th Street, on September 30, 2017 from 3:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, 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 4-H Building, 1412 West 5th Street, on September 30, 2017 from 3:00 P.M. to 1:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion approved.

- C. Approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a Farm Show to be held at the Red Willow County Kiplinger Arena, 1412 West 5th Street, on November 15, 2017 from 10:00 A.M. to 1:00 A.M. and on November 16, 2017 from 10:00 A.M. to 5:00 P.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, the Council voted to approve the application for a Special Designated Liquor License submitted by Loop Brewing Company, Liquor License #LK-093351, for a Farm Show to be held at the Red Willow County Kiplinger Arena, 1412 West 5th Street, on November 15, 2017 from 10:00 A.M. to 1:00 A.M. and on November 16, 2017 from 10:00 A.M. to 5:00 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion approved.

- D. Approve the application for a Special Designated Liquor License submitted by Tyler Schmick, Schmick's Market Inc., Liquor License #IDK-084561, for a beer garden to be held at the Keystone Building, 402 Norris Avenue, on September 30, 2017 from 2:00 P.M. to 6:00 P.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Weedon, 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 beer garden to be held at the Keystone Building, 402 Norris Avenue, on September 30, 2017 from 2:00 P.M. to 6:00 P.M. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedon. NAY: None. Motion approved.

5. Regular Agenda.

- A. Receive and file the Annual Cashflow Analysis for the Water and Sewer Enterprise Funds, as prepared by Public Financial Management, Inc.

A telephone conference call was held with Owen Gerard, CFA for Public Financial Management (PFM) for review of the cashflow analyses for the Water and Sewer Enterprise Funds. Some of the key points were the Debt Coverage Ratios, the Ending Cash Balance, Cash Balance as % of O & M, and Net Operating Income. A 3% rate increase was proposed for both Water and Sewer.

- B. Approve ordinance No. 2017-2952 providing for the adoption of the budget for FY 2017/2018 upon its second reading.

Considered upon its second reading, Ordinance No. 2017-2952 entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Ordinance No. 2017-2952 was read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Weedin, to approve Ordinance No. 2017-2952 on its second reading. 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. 2017-2952 approved on its second reading.

- C. Approve Ordinance No. 2017-2953 providing for the adoption of the 2017/2018 Fiscal Year Employee Classification Pay Plan upon its second reading.

Considered upon its second reading, Ordinance No. 2017-2953 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2017/2018 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2017-2953 was read by title only. Motion was made by Mayor Gonzales, seconded by Councilmember Weedin, to approve Ordinance No. 2017-2953 on its second reading.

Councilmember Calvin introduced a motion to eliminate the \$30,423 in General Fund for merit pay to non union employees. Councilmember Hepp seconded the motion.

Council discussion included the fact that our employees are one of the best things that the City has going for it; the need to treat non union employees the same as union employees; employees will go elsewhere if we do not treat them fairly; and the desire not to increase the levy.

Mike Roth, Owen McPhillips, Ike Brown, and Dan Hartwell, addressed the Council regarding the proposal.

The Mayor then stated the question: "Shall the motion on the floor to eliminate the \$30,423 in General Fund for merit pay to non union employees be approved?" The yeas and nays were called and the vote was as follows: YEA: Calvin. NAY: Gonzales, Hepp, McDowell, Weedin. Motion failed.

The Mayor then stated the question: "Shall Ordinance No. 2017-2953 be approved on its second reading?" 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. 2017-2953 approved on its second reading.

- D. Approve Ordinance No. 2017-2954 providing for the amendment of Appendix F, Solid Waste Collection Fees, of the City of McCook Code of Ordinances upon its second reading.

Considered upon its second reading, Ordinance No. 2017-2954 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF APPENDIX F, SOLID WASTE COLLECTION FEES, OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR SOLID WASTE COLLECTION AND DISPOSAL; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2016-2939 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Ordinance No. 2017-2954 was read by title only. Motion was made by Councilmember Weedin, seconded by Councilmember Hepp, to approve Ordinance No. 2017-2954 on its second reading. 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. 2017-2954 approved on its second reading.

- E. Approve Ordinance No. 2017-2950 which provides for the amendment of the City of McCook's Code of Ordinance Chapter 111 - Alcoholic Beverages - Hours of Sale, to allow for alcohol to be sold on sale to 2:00 a.m. upon its third and final reading.

Considered upon its third and final reading, Ordinance No. 2017-2950 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 111 - ALCOHOLIC BEVERAGES; SECTION 111.01 HOURS OF SALE 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. 2017-2950 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hepp. The Mayor then stated the question: "Shall Ordinance No. 2017-2950 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Gonzales, Calvin, Hepp, McDowell, Weedin. NAY: None. 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.

- F. Approve Ordinance No. 2017-2951 providing for the modification of Zoning Ordinance No. 2016-2929, (a) Article 21, Supplementary District Regulations, Section 2103 - Accessory Structures, to add carports to the accessory building entrance requirements; (b) Article 21, Supplemental District Regulations, Section 2111 - Minimum Off-Street Parking, to require off-street parking stalls to be a minimum of 9 feet wide (while maintaining a minimum of 162 square feet per parking space); and (c) Article 25, Board of Zoning Adjustment, Section 2501 - Creation, Members, Meetings, Rules, to provide for one member of the Board of Zoning Adjustment to reside within the Extraterritorial Zoning Jurisdiction upon its second reading.

Considered upon its second reading, Ordinance No. 2017-2951 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF MCCOOK ZONING ORDINANCE NO. 2016-2929, AMENDING ARTICLE 21 - SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 2103 - ADDRESSING CARPORTS AS AN ACCESSORY BUILDING AND SECTION 2111 - ADDRESSING MINIMUM REQUIREMENTS FOR PARKING SPACES, AND AMENDING ARTICLE 25 - BOARD OF ZONING ADJUSTMENT SECTION 2501 - CHANGING THE NUMBER OF MEMBERS ON THE BOARD AND PROVIDING FOR ONE MEMBER OF THE BOARD TO RESIDE WITHIN THE EXTRATERRITORIAL ZONING JURISDICTION; 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. 2017-2951 was read by title only. Motion was made by Councilmember Hepp, seconded by Councilmember Weedin, to approve Ordinance No. 2017-2951 on its second reading. 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. 2017-2951 approved on its second reading.

- G. Introduce and approve, upon its first reading, Ordinance No. 2017-2956 providing for the amendment of Chapter 90 - Animals; *Dogs; Cats; Hybrid Animals*; Section 90.23 - Running at Large Prohibited, of the City of McCook Code of Ordinances.

Mayor Gonzales introduced Ordinance No. 2017-2956 by title. The Clerk read the Ordinance by title:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 90 - ANIMALS - DOGS; CATS; HYBRID ANIMALS; SECTION 90.23 - RUNNING AT LARGE PROHIBITED, 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. 2017-2956 was introduced and read by title only. Councilmember Calvin 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, 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 McDowell. The Mayor then stated the question: "Shall Ordinance No. 2017-2956 be passed and adopted?" The yeas and nays were called and the vote was as follows: 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.

- H. Approve entering into an Inter-local Agreement with Dawson, Buffalo, and other counties to share equipment and ongoing costs for the provision of 911 services to the City of McCook and Red Willow County and authorize the Mayor to sign the agreement.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedin, the Council voted to approve entering into an Inter-local Agreement with Dawson, Buffalo, and other counties to share equipment and ongoing costs for the provision of 911 services to the City of McCook and Red Willow County and authorize the Mayor to sign the agreement. The yeas and nays were called and the vote was as follows: YEA: Gonzales, Hepp, Calvin, McDowell, Weedin. NAY: None. Motion approved.

I. Council Comments.

Councilmember Hepp expressed safety concerns in allowing large dually pickups to park in the area that McCook Community College recommended that the angle parking be removed in on East "M" Street.

J. 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 collective bargaining - the Fraternal Order of Police Lodge 57.

Upon a motion by Councilmember Weedin, 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 collective bargaining - the Fraternal Order of Police Lodge 57 at 8:38 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 collective bargaining - the Fraternal Order of Police Lodge 57. The Council reconvene in public session following this closed session.

City Manager Schneider, City Attorney Mustion, Police Chief Brown, and City Clerk Doak were included in the executive session.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move out of executive session at 9:19 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 9:20 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer