

McCook City Council
June 18, 2018
6:30 PM Central

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, McDowell, Weedon.

Absent: Councilmember Calvin.

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 June 15, 2018, 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 Acknowledgement 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. Jeff Kelley, pastor of the United Methodist Church, provided the invocation. 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 Citizens Comments.

2. Announcements & Recognitions.

City Manager Schneider presented information to the Council regarding a one-day Finance Conference presented by the City's auditors, Almquist, Maltzahn, Galloway, & Luth, on July 12 in Kearney.

Utilities Director Dutcher informed the Council that a demonstration of another option for processing sludge will be held at the Wastewater Treatment Plant on Tuesday, June 19, at 10:00 A.M. Everyone is welcome to attend.

3. Public Hearings.

- 3.A. Public Hearing - Consider request from Dwight Gallatin, regarding the creation of a minor subdivision, prospectively named Dwight Gallatin Subdivision, described as part of the SW1/4 of Section 6, Township 3 North, Range 29, west of the 6th P.M., Red Willow County, Nebraska, located within the extra territorial jurisdiction of the City of McCook.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the request from Dwight Gallatin, regarding the creation of a minor subdivision, prospectively named Dwight Gallatin Subdivision, described as part of the SW1/4 of Section 6, Township 3 North, Range 29, west of the 6th P.M., Red Willow County, Nebraska, located within the extra territorial jurisdiction of the City of McCook with the City Attorney to act as hearing officer. This motion, made by McDowell and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedin: YEA
YEA: 4, NAY: 0, Absent: 1

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the June 14, 2018 City Council meeting (1 page); Exhibit #2 - Notice of Public Hearing published (2 pages); Exhibit #3 - Property Owners Notified of Public Hearing (1 page); Exhibit #4 - Land Use Action Request Form (2 pages); Exhibit #5 - proposed Dwight Gallatin Subdivision Plat (1 page); Exhibit #6 - Proposed Subdivision Agreement for Dwight Gallatin Subdivision (4 pages); Exhibit #7 - minutes of the June 11, 2018 Planning Commission meeting, and Exhibit #8 - proposed Resolution No. 2018-09.

City Manager Schneider stated that the Planning Commission met last week and unanimously voted to recommend Council approval of the proposed subdivision and he reviewed the following information presented in the City Manager's Report prepared for this meeting (Exhibit #1): "Dwight Gallatin is requesting the creation of a minor subdivision, physically located approximately 2,100 feet east of Highway 83, abutting the north side of Road 719, all of which is inside the City's two mile zoning radius. Three separate lots, plus a proposed future road (located west of proposed Lot 1), are included within the proposal. Because there are more than two lots being created, but less than five, a minor subdivision is appropriate. 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 regulations. In addition to the request, a tentative subdivision agreement has been included for your review. As part of the subdivision agreement, a no-contest clause regarding future annexation has been included. Also, the developer shall be responsible for the construction of potential future improvements, including the proposed road included in the plat. Finally, any special assessments assessed as a result of improvement district creation will be paid for by the property owners impacted by the improvements, according to state law. Red Willow County has been consulted regarding this subdivision request. For its part, Red Willow County will determine whether to approve the subdivision as requested. As such, Staff recommends that final City approval should be based on Red Willow County approval."

Tyson Bardsley, Miller & Associates, was present to answer any questions from the Council regarding the request. The proposed road on the west side is not straight because it runs along the Culbertson Extension Canal Perpetual Easement.

With no one else present to comment, motion to adjourn the public hearing and to reconvene as a City Council. This motion, made by McDowell and seconded by Weedin, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedin: YEA
YEA: 4, NAY: 0, Absent: 1

3.B. Adopt Resolution No. 2018-09 providing for the approval of the request from Dwight Gallatin for the creation of a minor subdivision, prospectively named Dwight Gallatin Subdivision, described as part of the SW1/4 of Section 6, Township 3 North, Range 29, west of the 6th P.M., Red Willow County, Nebraska, located within the extra territorial jurisdiction of the City of McCook.

Motion to adopt Resolution No. 2018-09 providing for the approval of the request from Dwight Gallatin for the creation of a minor subdivision, prospectively named Dwight Gallatin Subdivision, described as part of the SW1/4 of Section 6, Township 3 North, Range 29, west of the 6th P.M., Red Willow County, Nebraska, located within the extra territorial jurisdiction of the City of McCook, contingent upon approval by Red Willow County. This motion, made by McDowell and seconded by Gonzales, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedin: YEA
YEA: 4, NAY: 0, Absent: 1

4. Consent Agenda.

City Manager Schneider requested the Item D be removed from the Consent Agenda and placed on the Regular Agenda.

Motion to approve the consent agenda. This motion, made by Weedin and seconded by McDowell, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedin: YEA
YEA: 4, NAY: 0, Absent: 1

- 4.A. Approve the minutes of the June 4, 2018 regular City Council meeting.
- 4.B. Receive and file the minutes of the June 11, 2018 Planning Commission meeting.
- 4.C. Declare the listed abandoned and unclaimed vehicles and bicycles and any other listed city property as surplus city property to be disposed of in the appropriate legal manner.
- 4.E. Receive and file the claims for the month of May 2018 as published June 11, 2018.
- 4.F. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce and the McCook Economic Development Corporation for a Music Festival to be held at Barnett Park, South Highway 83, with an alternate location of the Red Willow County Fairgrounds - Alice Arena, 1412 West 5th Street, on August 12, 2018 from 10:00 .M. to 2:00 A.M.
- 4.G. Receive and file claim for damages from Vicki Lampman and instruct that it be submitted to the City's insurance carrier for review and appropriate action.
- 4.H. Receive and file the Financial Report for the period ending May 31, 2018.

5. Regular Agenda.

- 4.D. Approve and authorize the Mayor to sign the FY 2018-2019 contract between the City of McCook and the West Central Nebraska 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.

City Manager Schneider clarified the information included in the Fiscal Impact section of the City Manager's Report, due to decreased Federal funding the reimbursement rate has not increased, the reimbursement rates remain the same as in last year's agreement.

Motion to approve and authorize the Mayor to sign the FY 2018-2019 contract between the City of McCook and the West Central Nebraska 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. This motion, made by Gonzales and seconded by McDowell, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedon: YEA
YEA: 4, NAY: 0, Absent: 1

5.A. Ordinance No. 2018-2963 providing for the amendment of Chapter 130 - General Offenses; Offenses Against Persons; Sexual Predators; Section 130.16 - Definitions, of the City of McCook, Nebraska Code of Ordinances.

The City Clerk read Ordinance No. 2018-2963 by title:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 130 - GENERAL OFFENSES - OFFENSES AGAINST PERSONS - SEXUAL PREDATORS; SECTION 130.16 - DEFINITIONS, 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.

5.A.2. Consider approval of Ordinance No. 2018-2963 upon its second reading.

Motion to approve Ordinance No. 2018-2963 upon its first reading. This motion, made by Weedon and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedon: YEA
YEA: 4, NAY: 0, Absent: 1

5.B. Discuss and approve the 2018-2019 budget schedule.

Motion to approve the 2018-2019 budget schedule. This motion, made by Weedon and seconded by Hepp, passed.

Gonzales: YEA, Hepp: YEA, Calvin: Absent, McDowell: YEA, Weedon: YEA
YEA: 4, NAY: 0, Absent: 1

5.C. Council Comments.

Mayor Gonzales noted a Thank You received from the Chamber of Commerce regarding the assistance provided by the City in helping to make the BRAN event a success for McCook.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:58 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer