

McCook City Council
November 7, 2022
5:30 P.M. Central

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 5:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Gonzales, Councilmembers Calvin, Weedon, Muehlenkamp, Rambali.

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Public Works Director Potthoff, Senior Services Director Siegfried, and Police Chief Smith.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on November 3, 2022, 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. The invocation was provided by Jeff Kelley, United Methodist Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

1. Announcements & Recognitions.

City Manager Schneider informed the Council that a Planning Commission meeting is scheduled for this coming Monday, November 14, 2022 at 5:15 P.M.

2. Public Hearings.

2.A. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held October 24, 2022.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on a report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held October 24, 2022 with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

The City Attorney offered and received into evidence Exhibit #1 - the City Manager's Report dated November 7, 2022 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the October 24, 2022 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (11 pages); and Exhibit #4 - the minutes of the May 23, 2022 Economic Development Plan Citizen's Advisory Review Committee (3 pages).

Charlie McPherson, McCook Economic Development Director, and Sean Wolfe, president of the Economic Development Plan Citizen's Advisory Review Committee, reviewed the information presented in Exhibit #3 and answered questions from the Council.

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

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

2.B. Accept the minutes of the July 25, 2022 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to accept the minutes of the July 25, 2022 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

3. Consent Agenda.

Motion to approve the consent agenda. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

3.A. Approve the minutes of the October 17, 2022 regular City Council meeting and the October 25, 2022 special City Council meeting.

3.B. Ratify the Mayor's appointment to the Economic Development Plan Citizen's Advisory Review Committee - appoint Rick Sinner to replace Bob Elder - term expires July 2023.

3.C. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a Corporate Holiday Party, at the Nebraska Army National Guard Armory, 38709 US Hwy 6, McCook, Nebraska, on December 10, 2022 from 1:00 P.M. to 12:00 A.M., with an alternate location of Valmont-McCook, 75 S US 83, McCook, Nebraska.

3.D. Authorize City Staff to purchase one (1) new 2023 TruVac FLXX Hydro Excavator Truck from MacQueen Equipment located in Lincoln, Nebraska in the amount of \$434,317.01 using Sourcewell as the Purchasing Agent.

- 3.E. Authorize city staff to purchase one (1) new 2023 John Deere 1025r Sub-compact Utility Tractor including a 54-inch heavy-duty snow blower and 60 inch heavy duty rotary broom from AKRS Equipment Solutions in the amount of \$35,282.50 utilizing a Nebraska Statewide Contract in participation with the National Association of State Procurement Officials (NASPO) Valuepointe for use in the Cemetery Department.
- 3.F. Approve Agreement for the Provision of Limited Professional Services for the Wastewater Treatment Plant upgrades with Miller & Associates Consulting Engineers, P.C. and authorize the Mayor to sign.
- 3.G. Receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Policies.
- 3.H. Award the bid for one (1) new 2024 Freightliner M2106 with a KANN 31 Yard Packer Body Model Number CSL XS SLEC to Nebraska Truck Center in the amount of \$252,578.00.
- 3.I. Accept the minutes of the April 19, 2022 and July 19, 2022 Senior Center Advisory Board meetings.
- 3.J. Approve the application for a Special Designated Liquor License submitted by the McCook Economic Development Corporation for the Light Up McCook Christmas Mixer to be held in the Keystone Lobby, 402 Norris Avenue, on November 30, 2022, from 8:00 A.M. to 11:00 P.M.

4. Regular Agenda.

- 4.A. Ordinance No. 2022-3054 changing the zoning classification of two lots from Agricultural (AG) to Highway Commercial (HC); said lots legally described as: 1) A tract of land located in the Southeast Quarter of Section 28, Township 3 North, Range 29 Willow Grove Precinct West of the 6th P.M. in Red Willow County, Nebraska (a/k/a Red Willow County Parcel No. 000299500), and 2) A tract of land located in the Southeast Quarter of Section 28, Township 3 North, Range 29 Willow Grove Precinct West of the 6th P.M. in Red Willow County, Nebraska (a/k/a Red Willow County Parcel No. 000299700), property located within the two mile extra-territorial jurisdiction of the City of McCook.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3054 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF 1) A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 29 WILLOW GROVE PRECINCT WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA (A/K/A RED WILLOW COUNTY PARCEL NO. 000299500), AND 2) A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 29 WILLOW GROVE PRECINCT WEST OF THE 6TH P.M. IN RED WILLOW COUNTY, NEBRASKA (A/K/A RED WILLOW COUNTY PARCEL

NO. 000299700), PROPERTY LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (HC) DISTRICT; 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. 2022-3054 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended, said motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2022-3054. This motion, made by Calvin and seconded by Rambali, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2022-3054 is declared lawfully passed and adopted upon publication as required by law.

4.B. Adopt Resolution No. 2022-16 and Resolution No. 2022-17 amending the Firefighters and Lieutenants Collective Bargaining Agreements between the City of McCook and the McCook Professional Firefighters Association, Local 2100 for the period of October 1, 2020 to September 30, 2025, and authorize the Mayor to sign said agreement.

Motion to adopt Resolution No. 2022-16 and Resolution No. 2022-17 amending the Firefighters and Lieutenants Collective Bargaining Agreements between the City of McCook and the McCook Professional Firefighters Association, Local 2100 for the period of October 1, 2020 to September 30, 2025, and authorize the Mayor to sign said agreement. This motion, made by Calvin and seconded by Weedin, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

4.C. Ordinance No. 2022-3056 providing for the amendment of the FY2022/2023 Fiscal Year Employee Classification and Pay Plan, establishing a Firefighter non-EMT position.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3056 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE AMENDMENT OF THE 2022/2023 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN, ESTABLISHING THE FIREFIGHTER NON-EMT POSITION; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE AMENDED 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. 2022-3056 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended, said motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Weedon and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2022-3056. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2022-3056 is declared lawfully passed and adopted upon publication as required by law.

4.D. Ordinance No. 2022-3055 correcting Ordinance 2022-3047 to reflect the current water rates established for customers within the City of McCook.

Mayor Gonzales asked the Clerk to read Ordinance No. 2022-3055 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 38: FEE SCHEDULE - APPENDIX E , WATER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2022-3047 AND ANY AND ALL 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. 2022-3055 has been introduced, read by title, and I move that the statutory rule requiring reading on three different days be suspended, said motion to suspend the rule must be adopted by three-fourths of the Council. This motion, made by Muehlenkamp and seconded by Rambali, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Motion for final passage of Ordinance No. 2022-3055. This motion, made by Gonzales and seconded by Weedon, passed.

Gonzales: YEA, Calvin: YEA, Weedon: YEA, Muehlenkamp: YEA, Rambali: YEA
YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2022-3055 is declared lawfully passed and adopted upon publication as required by law.

4.E. Council Comments.

Council comments included the Mayor noting we had another successful Halloween, adding that they had 949 trick-or-treaters; reminding all to vote tomorrow; and wished the incumbents good luck in the election.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:08 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer