

McCook City Council  
February 6, 2023  
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 Taylor, Councilmembers Calvin, Weedon, Muehlenkamp, Rambali.

Absent: City Clerk Doak.

City Officials present: City Manager Schneider, City Attorney Mustion, Deputy City Clerk Burkey, Assistant City Manager Koetter, Library Director Crocker, Utilities Director Fawver, Fire Chief Harpham, Building Inspector Mooney, Public Works Director Potthoff, Police Chief Smith, and Wastewater Treatment Plant Operator White.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on February 2, 2023, 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 Taylor 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 from the United Methodist Church. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Taylor called the meeting to order.

## **1. Announcements & Recognitions.**

Fire Chief Harpham introduced Nate Renner Firefighter and Aaron Kotschwar Firefighter/Paramedic and informed the Council that the new Fire Safety Simulator trailer, purchased through a FEMA/Department of Homeland Security Assistance to Firefighters Grant Fire Prevention and Safety grant, will be available to view after the meeting.

## **2. Presentations.**

2.A. Accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2022 prepared by AMGL CPAs and Advisors.

Via Zoom, Marcy Luth of AMGL presented the Financial Statements to the Council for the Fiscal Year ending September 30, 2022 and answered questions from the Council.

Motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2022 prepared by AMGL CPAs and Advisors. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

### **3. Public Hearings.**

- 3.A. Conduct a public hearing on the application of Old Sarge's Bar, Inc; dba "Old Sarge's Bar", for Class "IB" License #125468 - (Beer, Wine Distilled Spirits, On Sale, and Beer Off only) License under the Nebraska Liquor Control Commission, to be located at 114 West 1st Street, McCook, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application of Old Sarge's Bar, Inc; dba "Old Sarge's Bar", for Class "IB" License #125468 - (Beer, Wine Distilled Spirits, On Sale, and Beer Off only) License under the Nebraska Liquor Control Commission, to be located at 114 West 1st Street, McCook, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Muehlenkamp and seconded by Weedin, passed.

Taylor: YEA, Calvin: YEA, Weedin: 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 February 6, 2023 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Notice of Receipt from NLCC - Kim Frederick and email indicating the form was returned on January 13, 2023 (2 pages); Exhibit #4 - Redacted application and all attachments (36 pages); Exhibit #5 - Police Department Report (6 pages); Exhibit #6 - Recommendation to the Nebraska Liquor Control Commission (1 page).

Michelle Wood, applicant, was present to address questions from the Council.

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

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

- 3.B. Recommend approval to the Nebraska Liquor Control Commission the application of Old Sarge's Bar, Inc; dba "Old Sarge's Bar", for Class "IB" License #125468 - (Beer, Wine Distilled Spirits, On Sale, and Beer Off only) License under the Nebraska Liquor Control Commission, to be located at 114 West 1st Street, McCook, Nebraska.

Motion to recommend approval to the Nebraska Liquor Control Commission the application of Old Sarge's Bar, Inc; dba "Old Sarge's Bar", for Class "IB" License #125468 - (Beer, Wine Distilled Spirits, On Sale, and Beer Off only) License under the Nebraska Liquor Control Commission, to be located at 114 West 1st Street, McCook, Nebraska. This motion, made by Muehlenkamp and

seconded by Calvin, passed.

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

- 3.C. Public Hearing - A report from the Economic Development Plan Citizen's Advisory Review Committee regarding meeting held January 23, 2023.

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 January 23, 2023 with the City Attorney to act as hearing officer. This motion, made by Weedon and seconded by Rambali, passed.

Taylor: 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 February 6, 2023 (1 page); Exhibit #2 - Notice of Hearing published (1 page); Exhibit #3 - Agenda for the January 23, 2023 meeting of the Economic Development Plan Citizen's Advisory Review Committee and attachments (9 pages); and Exhibit #4 - the minutes of the October 24, 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.

Councilmember Calvin questioned the status of the Clary Village Equity loan.

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

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

- 3.D. Accept the minutes of the October 24, 2022 Economic Development Plan Citizen's Advisory Review Committee meeting.

Motion to accept the minutes of the October 24, 2022 Economic Development Plan Citizen's Advisory Review Committee meeting. This motion, made by Calvin and seconded by Weedon, passed.

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

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

Councilmember Calvin requested that Item G be removed from the Consent Agenda and placed on the Regular Agenda.

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

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

- 4.A. Approve the minutes of the January 16, 2023 regular City Council meeting.
- 4.B. Accept the minutes of the November 9, 2022 Library Advisory Board meeting.
- 4.C. Ratify the Mayor's appointments to the Airport Advisory Commission - reappoint Dick Trail and Cleo Spencer - terms expire November 2025; Board of Zoning Adjustment - reappoint Ryan Moore, Jerry Reitz, and Greg Larson - terms expired January 2026; reappoint Tammie Hilker (Planning Commission Representative) and Rick Haney - terms expire September 2025; reappoint Andy Weber (Alternate) - term expires January 2026; Library Advisory Board - reappoint Pam Wolford - term expires June 2026; Parks Advisory Board - reappoint Jeremy LaBrie - term expires May 2025; and the Senior Citizens Advisory Board - reappoint Dan Stramel, Robert Patenburg and Jim Hamill - terms expire September 2025.
- 4.D. Award the bid for the 2023 Crack Sealing Project to Shelco Construction of Elsie, Nebraska in the amount of \$60,750.00, that being the lowest best bid.
- 4.E. Approve the specifications for the 2023 Armor Coating Project and set the time and date to receive bids as 2:30 P.M., February 28, 2023.
- 4.F. Approve the application for a Special Designated Liquor License submitted by the Knights of Columbus 1126, Liquor License #I-003702, for the Saint Patrick G.I.F.T Gala to be held at the St. Patrick School and Gym, 401 East "F" Street, on March 17, 2023 from 5:00 P.M. to 11:00 P.M. and March 18, 2023 from 5:00 P.M. to 12:00 A.M.
- 4.H. Approve the specifications for the Water Treatment Plant, Wastewater Treatment Plant, and East/West Golf Course lift stations SCADA upgrades and set the date to receive bids as February 28, 2023 at 2:00 P.M.
- 4.I. Receive and file the Financial Report for the period ending December 31, 2022.

**5. Regular Agenda.**

- 4.G. Authorize Great Plains Communications to occupy City Right-of-Way for the installation of a ground level fiber optic vault - 100 Block East 13th Street.

Councilmember Calvin clarified that the vault would be installed underground.

Motion to authorize Great Plains Communications to occupy City Right-of-Way for the installation of a ground level fiber optic vault - 100 Block East 13th Street. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

5.A. Discussion regarding the City of McCook's entry sign project.

Discussion included the proposed location at the four highway entrances into McCook. Staff has worked with the Nebraska Department of Transportation to ensure that the four locations are outside the State's right of way. Approval of the locations and signs will be brought back to the Council at the February 20 meeting.

Perry Strombeck, Tri City Sign Company, was present to review the proposed signs.

5.B. Ordinance No. 2023-3060 approving the zoning change request for Heritage Pointe Addition No. 3, a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Residential Medium Density District (RM) and Agricultural District (AG), to Business Commercial District (BC).

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3060 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF HERITAGE POINTE ADDITION NO. 3, TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM RESIDENTIAL MEDIUM DENSITY (RM) AND AGRICULTURAL (AG) TO BUSINESS COMMERCIAL (BC) 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. 2023-3060 has been read by title and I move to approve upon its second reading of three readings. This motion, made by Calvin and seconded by Rambali, passed.

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

5.C. Ordinance No. 2023-3061 approving the voluntary annexation of a tract of land located in the S1/2 of the SE1/4 of Section 24, Township 3 North, Range 30 West of the 6th P.M., Red Willow County, Nebraska, said tract of land included in the parcel to be referred to as Heritage Pointe Addition No. 3.

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3061 by title.

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF MCCOOK, COUNTY OF RED WILLOW, STATE OF NEBRASKA, BY ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF MCCOOK, NEBRASKA; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE

FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2023-3061 has been read by title and I move to approve upon its second reading of three readings. This motion, made by Calvin and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

5.D. Ordinance No. 2023-3062 amending the City of McCook Code of Ordinances, pertaining to Contractor's License - Sections 150.400 - 150.412.

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3062 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, PERTAINING TO CONTRACTOR'S LICENSE, REPEALING CURRENT SECTIONS 150.400- 150.412 AND INSERTING SECTIONS 150.400 - 150.414; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE..

Ordinance No. 2023-3062 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Muehlenkamp and seconded by Rambali, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

5.E. Ordinance No. 2023-3063 providing for an amendment of Chapter 38: Fee Schedule - Appendix M, Building Regulation Fees (Contractor's License); of the City of McCook Code of Ordinances

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3063 by title.

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 38: FEE SCHEDULE, APPENDIX M: BUILDING REGULATION AND ZONING APPLICATION FEES, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA; TO 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. 2023-3063 has been introduced, read by title, and I move to approve upon its first reading. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

5.F. Ordinance No. 2023-3059 amending the City of McCook Code of Ordinances, Section 34.40 - Miscellaneous and Travel Expenditures.

Mayor Taylor asked the Deputy Clerk to read Ordinance No. 2023-3059 by title.

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES, SECTION 34.40 - MISCELLANEOUS AND TRAVEL EXPENDITURES; AMENDING SECTION (A)(1)(c) MEALS TRAVEL PER DIEM; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 2023-3059 has been read by title and I move to approve upon its second reading of three readings. This motion, made by Weedin and seconded by Calvin, passed.

Taylor: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

5.G. Update regarding the swimming pool and ballpark projects.

City Manager Schneider gave an update of the pool and ballpark projects and reviewed various grant applications being prepared for the ballpark project.

RFP's have been submitted for the Construction Manager at Risk for the swimming pool. The interview committee will review the four proposals and make a recommendation to the Council.

Staff met with Mr. and Mrs. Benjamin and Paul Grieger, bond underwriter, regarding proposed funding of the ballpark project. A meeting will be scheduled with Austin McKillip of Cline Williams, and all interested parties, to identify that all terms are included in the agreement with Mr. and Mrs. Benjamin regarding the transfer/purchase of the completed project by the City.

5.H. Council Comments.

Mayor stated that she was excited about the "Welcome to McCook" signs and Councilmember Calvin expressed concerns with citizens not cleaning snow off of their sidewalks.

### **Adjournment.**

There being no further business to come before the Council, Mayor Taylor declared the meeting adjourned at 6:55 P.M.

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Linda Taylor, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer