

MCCOOK CITY COUNCIL  
June 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: Councilmembers Hepp, Calvin, McDowell, Weedon.

Absent: Mayor Gonzales.

City Officials present: City Manager Schneider, City Attorney Mustion (arrived 6:39 P.M.), City Clerk Doak, Police Chief Brown, Fire Chief Harpham, and Senior Services Director Siegfried.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 1, 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.

Council Vice President Hepp 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 Bruce Lester, of the McCook Evangelical Free Church. Following the Pledge of Allegiance to the flag of the United States of America, Council Vice President Hepp called the meeting to order.

### **1. Citizen's Comments.**

Scott Felker inquired about the possibility of lighting the Walking Trail and noted that some of the fire hydrants were in need of painting and volunteered to assist in the painting of them.

Mike Roth expressed concerns regarding the lack of sidewalk along North Highway 83 and noted that sometime around May 24 or 25 he noticed black, oily water running in the gutter at the intersection of West 14<sup>th</sup> and West "H". He believed that the water was from the street sweeper working up the street.

### **2. Announcements & Recognitions.**

There were no announcements or recognitions.

### **3. Consent Agenda.**

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

- A. Approve the minutes of the May 15, 2017 regular City Council meeting and the May 26, 2017 special City Council meeting.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve the minutes of the May 15, 2017 regular City Council meeting and the May 26, 2017

special City Council meeting. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedin. NAY: None. ABSENT: Gonzales. Motion approved.

- B. Approve the request from the McCook Area Chamber of Commerce to reserve and close the parking lot located at East 1<sup>st</sup> and “D” Streets to house the Nebraska 150 Mobile Children’s Museum from Noon on June 7, 2017 to 10:00 P.M. on June 9, 2017.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the request from the McCook Area Chamber of Commerce to reserve and close the parking lot located at East 1<sup>st</sup> and “D” Streets to house the Nebraska 150 Mobile Children’s Museum from Noon on June 7, 2017 to 10:00 P.M. on June 9, 2017. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedin. NAY: None. ABSENT: Gonzales. Motion approved.

- C. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for the Heritage Days Mixer to be held at the McCook National Bank, 220 Norris Avenue, on September 20, 2017 from 5:00 P.M. to 11:00 P.M.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for the Heritage Days Mixer to be held at the McCook National Bank, 220 Norris Avenue, on September 20, 2017 from 5:00 P.M. to 11:00 P.M. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedin. NAY: None. ABSENT: Gonzales. Motion approved.

- E. Approve the request from the McCook Area Chamber of Commerce to close West “D” Street from Norris Avenue to West 1<sup>st</sup> Street on September 23, 2017 from 5:00 P.M. until 11:00 P.M. for a Street Dance.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the request from the McCook Area Chamber of Commerce to close West “D” Street from Norris Avenue to West 1<sup>st</sup> Street on September 23, 2017 from 5:00 P.M. until 11:00 P.M. for a Street Dance. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedin. NAY: None. ABSENT: Gonzales. Motion approved.

- F. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a BBQ Competition to be held at the Red Willow County Fairgrounds, 1412 West 5<sup>th</sup> Street (West 5<sup>th</sup> & “O” Street), on July 8, 2017 from 8:00 A.M. to midnight.

Upon a motion by Councilmember Weedin, seconded by Councilmember Hepp, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a BBQ Competition to be held at the Red Willow County Fairgrounds, 1412 West 5<sup>th</sup> Street (West 5<sup>th</sup> & “O” Street), on July 8, 2017 from 8:00 A.M. to midnight. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedin. NAY: None. ABSENT: Gonzales. Motion approved.

- G. Approve the request from the McCook Area Chamber of Commerce to close West “C” Street from West 1<sup>st</sup> Street to West 3<sup>rd</sup> Street and West 2<sup>nd</sup> Street from “B” Street to “C” Street on July 8, 2017 from 10:00 A.M. until 2:00 P.M. for a Car Show in conjunction with Crazy Days.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve the request from the McCook Area Chamber of Commerce to close West "C" Street from West 1<sup>st</sup> Street to West 3<sup>rd</sup> Street and West 2<sup>nd</sup> Street from "B" Street to "C" Street on July 8, 2017 from 10:00 A.M. until 2:00 P.M. for a Car Show in conjunction with Crazy Days. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

- H. Approve the request from the Chamber of Commerce to use city streets to hold the YPG Crazy 5K Run on Saturday, July 22, 2017, beginning in the early morning hours and concluding by 9:00 A.M.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve the request from the Chamber of Commerce to use city streets to hold the YPG Crazy 5K Run on Saturday, July 22, 2017, beginning in the early morning hours and concluding by 9:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

- I. Ratify the Mayor's appointment of Rick Haney to the Board of Zoning Adjustment - term expires September 2019.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to ratify the Mayor's appointment of Rick Haney to the Board of Zoning Adjustment - term expires September 2019. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

- J. Approve the application for a Special Designated Liquor License submitted by Tyler Schmick, Schmick's Market Inc., Liquor License #IDK-084561, for a wine bar to be held at the Alice Arena located at the Red Willow County Fairgrounds, 1412 West 5<sup>th</sup> Street, on July 20, 2017 from 4:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, 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 wine bar to be held at the Alice Arena located at the Red Willow County Fairgrounds, 1412 West 5<sup>th</sup> Street, on July 20, 2017 from 4:00 P.M. to 1:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

- K. 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 Kiplinger Arena located at the Red Willow County Fairgrounds, 1412 West 5<sup>th</sup> Street, on July 21, 2017 from 4:00 P.M. to 1:00 A.M.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, 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 Kiplinger Arena located at the Red Willow County Fairgrounds, 1412 West 5<sup>th</sup> Street, on July 21, 2017 from 4:00 P.M. to 1:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

- L. Approve and authorize the Mayor to sign the FY2017-2018 contract with 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.

Upon a motion by Councilmember Weedon, seconded by Councilmember Hepp, the Council voted to approve and authorize the Mayor to sign the FY2017-2018 contract with 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. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

#### **4. Regular Agenda.**

3D. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Street Dance to be held in the 100 Block of West "D" Street (West "D" Street from Norris Avenue to West 1<sup>st</sup> Street), on September 23, 2017 from 5:00 P.M. to 11:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Street Dance to be held in the 100 Block of West "D" Street (West "D" Street from Norris Avenue to West 1<sup>st</sup> Street), on September 23, 2017 from 5:00 P.M. to 11:00 P.M. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

A. Approve the request from the Prairie Roots Festival Committee for the use of Barnett Park including the West Shelter House, electricity, fishing ponds, utility fields, sand volleyball courts, permission to block off the Park Road in front of the West Shelter House, use of additional picnic tables, benches, trash cans and use of the Kelley Park Disc Golf Course and Skate Park for the Hear Nebraska Concert event on Saturday, July 29, 2017.

Matt Sehnert and Dale Dueland were present to address the request.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the request from the Prairie Roots Festival Committee for the use of Barnett Park including the West Shelter House, electricity, fishing ponds, utility fields, sand volleyball courts, permission to block off the Park Road in front of the West Shelter House, use of additional picnic tables, benches, trash cans and use of the Kelley Park Disc Golf Course and Skate Park for the Hear Nebraska Concert event on Saturday, July 29, 2017. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

B. Approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Beer Garden in conjunction with the Prairie Roots Festival/Hear Nebraska Festival to be held at Barnett Park, South Highway 83, on July 29, 2017 from 8:00 A.M. to 1:00 A.M.

Upon a motion by Councilmember McDowell, seconded by Councilmember Weedon, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a Beer Garden in conjunction with the Prairie Roots Festival/Hear Nebraska Festival to be held at Barnett Park, South Highway 83, on July 29, 2017 from 8:00 A.M.

to 1:00 A.M. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

- C. Approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Street Dance to be held in the 300 Block of Norris Avenue (Norris Avenue from "C" Street to "D" Street), on July 7, 2017 from 5:00 P.M. to 11:00 P.M.

Councilmember Calvin introduced a motion to approve the application for a Special Designated Liquor License submitted by the McCook Chamber of Commerce for a Street Dance to be held in the 300 Block of Norris Avenue (Norris Avenue from "C" Street to "D" Street), on July 7, 2017 from 5:00 P.M. to 11:00 P.M. Motion seconded by Councilmember McDowell.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to amend the motion by changing the location to the 100 Block of West "C" Street, from Norris Avenue to West 1<sup>st</sup> Street. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

The Council Vice President then stated the question: "Shall the motion on the floor be approved as amended?" The yeas and nays were called and the vote was as follows: YEA: Calvin, Hepp, McDowell, Weedon. NAY: None. ABSENT: Gonzales.

- D. Approve the request from the McCook Area Chamber of Commerce to close Norris Avenue from "C" Street to "D" Street on July 7, 2017 from 5:00 P.M. until midnight for a Street Dance.

Councilmember Calvin introduced a motion to approve the request from the McCook Area Chamber of Commerce to close Norris Avenue from "C" Street to "D" Street on July 7, 2017 from 5:00 P.M. until midnight for a Street Dance. Motion seconded by Councilmember McDowell.

Upon a motion by Councilmember Calvin, seconded by Councilmember Weedon, the Council voted to amend the request from the McCook Area Chamber of Commerce by changing the location to the 100 Block of West "C" Street, from Norris Avenue to West First Street. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

The Council Vice President then stated the question: "Shall the motion on the floor be approved as amended?" The yeas and nays were called and the vote was as follows: YEA: Calvin, Hepp, McDowell, Weedon. NAY: None. ABSENT: Gonzales.

- E. Introduce and approve under suspension of the rule Ordinance No. 2017-2949 providing for the amendment of Chapter 35 - City Organizations; Section 35.030 Board of Zoning Adjustment of the City of McCook Code of Ordinances; providing for one member of the Board to reside within the Extraterritorial Zoning Jurisdiction.

The City Manager's Report prepared for the June 5, 2017 meeting noted that the proposed ordinance makes the necessary changes to the City's Code of Ordinances so that Section 35.030 is in compliance with State Statute. The statutes require that at least one member of the board shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. Since the proposed change is a requirement, staff is recommending approval under suspension of the rule. A meeting of this Board was requested in May, but was not held because of a lack of a quorum. That meeting is now scheduled for June 26. Approval of this ordinance needs

to occur before that time to help ensure that we are able to get a quorum and to provide for the appointment of the extraterritorial zoning jurisdiction member.

Councilmember Calvin introduced Ordinance No. 2017-2949 by title. The Clerk read the Ordinance by title:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF CHAPTER 35 - CITY ORGANIZATIONS; SECTION 35.030 BOARD OF ZONING ADJUSTMENT OF THE CITY OF MCCOOK CODE OF ORDINANCES; 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. 2017-2949 was introduced and read by title only. Councilmember Calvin moved that the statutory rule requiring reading on three different days be suspended. Councilmember McDowell seconded the motion to suspend the rule and the yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. 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 Council Vice-President then stated the question: "Shall Ordinance No. 2017-2949 be passed and adopted?" The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. 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.

F. Discuss a request from Luke and Shar Laverack, owners of Club Paradise, regarding the permitting of retail sales or dispensing of alcoholic liquor for consumption, on premises, later than 1:00 A.M. and prior to 2:00 A.M. on any day.

Discussion was held regarding the request from Luke and Shar Laverack, owners of Club Paradise, to permit retail sales or dispensing of alcoholic liquor for consumption, on premises, later than 1:00 A.M. and prior to 2:00 A.M. on any day.

It was of the Council to have staff gather information from other communities regarding those that have made the change and report back to the Council at a future meeting.

G. Ratify the determination of the McCook Board of Health meeting that the properties and structures located at 107 East 5<sup>th</sup> Street, 1518 West 10<sup>th</sup> Street, 511 East 2<sup>nd</sup> Street, 412 East 3<sup>rd</sup> Street, and 309 East 1<sup>st</sup> Street are nuisance and unsafe properties and direct staff to abate the nuisance issues at the locations as necessary.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to ratify the determination of the McCook Board of Health meeting that the properties and structures located at 107 East 5<sup>th</sup> Street, 1518 West 10<sup>th</sup> Street, 511 East 2<sup>nd</sup> Street, 412 East 3<sup>rd</sup> Street, and 309 East 1<sup>st</sup> Street are nuisance and unsafe properties and direct staff to abate the nuisance issues at the locations as necessary. The yeas and nays were called and the vote was as follows: YEA: Hepp, Calvin, McDowell, Weedon. NAY: None. ABSENT: Gonzales. Motion approved.

H. Council Comments.

Councilmember McDowell congratulated the Hospital Foundation on another successful Pro-Am Golf Tournament held this past weekend.

▪ **Adjournment.**

There being no further business to come before the Council, Council Vice President Hepp declared the meeting adjourned at 7:31 P.M.

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Janet Hepp, Council Vice President

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer