

MCCOOK CITY COUNCIL

REGULAR MEETING

**Monday, October 4, 2021
5:30 PM - City Council Chambers**

Call to Order and Roll Call.

Open Meetings Act Announcement.

Pledge of Allegiance.

Items.

1. Announcements & Recognitions.
2. Proclamations.
 - A. Approve the proclamation designating October 3-9, 2021 as "Fire Prevention Week" and authorize the Mayor to sign.
3. Consent Agenda.
 - A. Approve the minutes of the September 20, 2021 regular City Council meeting.
 - B. Approve Resolution No. 2021-20 amending the rates for the ambulance service operated by the City of McCook, Nebraska.
 - C. Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on November 27, 2021 from 12:00 P.M. to 1:00 A.M.
 - D. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a concert to be held at the Red Willow County Fairgrounds Kiplinger Arena, Building, 1412 West 5th Street, on October 23, 2021 from 8:00 A.M. to 11:00 P.M.
 - E. Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a Sip & Shop at Keystone Floral, 213 Norris Avenue, on October 22, 2021 from 4:00 P.M. to 9:00 P.M.
 - F. Approve an agreement between the City of McCook and Miller & Associates, Consulting Engineers, P.C. for Grant Administration Services for ARPA Funding and authorize the Mayor to sign.
 - G. Receive and file the minutes of the July 14, 2021 Library Advisory Board meeting.
4. Regular Agenda.

- A. Consider Ordinance No. 2021-3025 amending the City of McCook Code of Ordinances relating to the City Treasurer, to harmonize with state law.
 - 1. Chairperson asks Clerk to read Ordinance No. 2021-3025 by title.
 - 2. Consider statutory rule requiring reading on three separate occasions be suspended. Motion to suspend the rule must be adopted by three-fourths of the Council.
 - 3. Final passage of Ordinance No. 2021-3025.
 - 4. Chairperson declaration after vote and passage, if approved under suspension of the rule.
 - B. Approve two exterior signs at the McCook City Library for the Birdella Nelson Technology Center.
 - C. Council Comments.
- Adjournment.

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM # 2.A.

RECOMMENDATION:

Approve the proclamation designating October 3 – 9, 2021 as Fire Prevention Week and authorize the Mayor to sign.

BACKGROUND:

The City of McCook Fire Department is teaming up with the nonprofit National Fire Protection Association (NFPA) during the week of October 3-9, 2021 to promote Fire Prevention Week, 2021.

In a fire, mere seconds can mean the difference between a safe escape and a tragedy. Fire safety education isn't just for school children. Teenagers, adults, and the elderly are also at risk in fires, making it important for every member of the community to take some time every October during Fire Prevention Week to make sure they understand how to stay safe in case of a fire.

This year's campaign, "Learn the Sounds of Fire Safety!" works to educate everyone about the different sounds the smoke and carbon monoxide alarms make. Knowing what to do when an alarm sounds will keep you and your family safe. When an alarm makes noises – a beeping or a chirping sound – you must take action.

Smoke alarms sense smoke well before you can, alerting you to danger. In the event of a fire, you may have as little as 2 minutes to escape safely, which is why smoke alarms need to be in every bedroom, outside of the sleeping areas (like a hallway), and on each level (including the basement). Do not put smoke alarms in your kitchen or bathrooms.

Carbon monoxide is an odorless, colorless gas that displaces oxygen in your body and brain and can render you unconscious before you even realize something is happening to you. Without vital oxygen, you are at risk of death from carbon monoxide poisoning in a short time. CO alarms detect the presence of carbon monoxide and alert you so you can get out, call 9-1-1, and let the professionals check your home.

**FISCAL
IMPACT:** None

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

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ITEM # _____

RECOMMENDATION:

Approve the proclamation designating October 3 – 9, 2021 as Fire Prevention Week and authorize the Mayor to sign.

APPROVALS:



Marc A. Harpham, Fire Chief

24 SEPT 2021
Date



Nate Schneider Acting City Manager

10-1-2021
Date

*Office of the Mayor.
McCook, Nebraska
Proclamation*

"FIRE PREVENTION WEEK"

WHEREAS, the City of McCook, Nebraska is committed to ensuring the safety and security of all those living in and visiting McCook; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,770 people in the United States in 2019, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 339,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, McCook residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, McCook residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, McCook residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, McCook first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, McCook residents are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2021 Fire Prevention Week™ theme, "Learn the Sounds of Fire Safety™," effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

THEREFORE, I Michael D. Gonzales, Mayor of the City of McCook do hereby proclaim October 3 through 9, 2021, as Fire Prevention Week throughout this community, and urge all the people of McCook to "Learn the Sounds of Fire Safety" for Fire Prevention Week 2021 and to support the many public safety activities and efforts of McCook's Fire and Emergency services.

Dated this 4th day of October, 2021.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: 3.A.

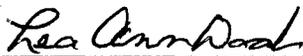
Approve the minutes of the September 20, 2021 regular City Council meeting.

BACKGROUND:

Receive and approve the minutes.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 29, 2021

McCook City Council
September 20, 2021
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 (excused at 6:15 P.M.).

Absent: None.

City Officials present: City Manager Schneider, City Attorney Mustion, City Clerk Doak, Library Director Crocker, Utilities Director Dutcher, 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 September 16, 2021, 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. Following the Pledge of Allegiance to the flag of the United States of America, Mayor Gonzales called the meeting to order.

1. Announcements & Recognitions.

Utilities Director Dutcher informed the Council that on Tuesday morning the crew working on the West 5th Street water main project will start boring in the pipe so the intersection of West 5th and "C" Streets will also be blocked at times.

Fire Chief Harpham reported that this past weekend the Fire Department hosted a 9/11 Memorial Stair Climb honoring the fallen. They had 80 participants, with several fire departments represented, and raised more than \$5,000. The funds will go to the Nebraska and the National Fallen Firefighter Foundations.

2. Public Hearings.

2.A. Public Hearing - Regarding the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the proposed Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Weedin, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 20, 2021 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (5 pages); Exhibit #5 - proposed plat of the HCC Subdivision; Exhibit #6 - minutes of the September 13, 2021 Planning Commission meeting (4 pages); and Exhibit #7 - proposed Resolution No. 2021-17 (1 page).

City Manager Schneider reviewed the information presented in Exhibit #1.

Dave Winder, 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 Calvin and seconded by Muehlenkamp, passed.

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

2.B. Adopt Resolution No. 2021-17 approving the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

Motion to adopt Resolution No. 2021-17 approving the Final Plat for HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska. 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.C. Public Hearing - Regarding the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the dissolution of the Planned Unit Development for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West of the 6th P.M., in the City of McCook, Red Willow County, Nebraska, with the City Attorney to act as hearing officer. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 20, 2021 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); Exhibit #5 - City Manager Report prepared for the August 20, 2012 City Council meeting for the Planned Development District approval (18 pages); Exhibit #6 - minutes of the September 13, 2021 Planning Commission meeting (4 pages); and Exhibit #7 - proposed Ordinance No. 2021-3023 (1 page).

City Manager Schneider reviewed the information presented in Exhibit #1.

Dave Winder, 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.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

2.D. Consider Ordinance No. 2021-3023 dissolving the Planned Development - Overlay District designation for property located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska.

Mayor Gonzales introduced Ordinance No. 2021-3023 and asked the Clerk to read it by title. The Clerk read the title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 DISSOLVING THE PLANNED DEVELOPMENT - OVERLAY DISTRICT DESIGNATION FROM A TRACT OF LAND; PROVIDE FOR THE REPEAL OF ORDINANCE NO. 2012-2883; 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. 2021-3023 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 Calvin 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. 2021-3023. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: YEA

YEA: 5, NAY: 0

Mayor Gonzales stated for the record that Ordinance No. 2021-3023 is declared lawfully passed and adopted upon publication as required by law.

- 2.E. Public Hearing - Regarding a zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

Motion to recess as a City Council and convene a public hearing for the purpose of receiving public comment with respect to the zoning change request for proposed HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM), with the City Attorney to act as hearing officer. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

The City Attorney received into evidence Exhibit #1 - City Manager's Report prepared for the September 20, 2021 City Council meeting (2 pages), Exhibit #2 - Notice of Hearing published and posted (1 page); Exhibit #3 - ownership list for mailing of Notice of Hearing (1 page); Exhibit #4 - Land Use Action Request Form and attachments (6 pages); Exhibit #5 - City Manager Report prepared for the August 20, 2012 City Council meeting for the Planned Development District approval (18 pages); Exhibit #6 - minutes of the September 13, 2021 Planning Commission meeting; and Exhibit #7 - proposed Ordinance No. 2021-3024 (1 page).

City Manager Schneider reviewed the information presented in Exhibit #1.

Dave Winder, 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.

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

- 2.F. Consider Ordinance No. 2021-3024 approving the zoning change request for the HCC Subdivision, a tract of land located in the Southwest 1/4 of the Northeast 1/4 of Section 19, Township 3 North, Range 29 West, of the 6th P.M., in the City of McCook, Red Willow County, Nebraska; said zoning change to amend the current zoning designation from Business Commercial (BC) to Residential Medium Density (RM).

Mayor Gonzales introduced Ordinance No. 2021-3024 and asked the Clerk to read it by title. The Clerk read the title:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING MCCOOK ZONING ORDINANCE NO. 2016-2929 CHANGING THE ZONING CLASSIFICATION OF THE HCC SUBDIVISION, OF THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, FROM BUSINESS COMMERCIAL DISTRICT (BC) TO RESIDENTIAL MEDIUM DENSITY DISTRICT (RM); 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. 2021-3024 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. 2021-3024. This motion, made by Calvin 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. 2021-3024 is declared lawfully passed and adopted upon publication as required by law.

3. Consent Agenda.

Councilmember Weedon requested that Item 3.D. be removed from the Consent Agenda and placed on the Regular Agenda.

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

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

- 3.A. Approve the minutes of the September 7, 2021 regular City Council meeting.
- 3.B. Receive and file the Property Damage Incident Form from Tyler Schmick and instruct that it be submitted to the City's insurance carrier for review and appropriate action.
- 3.C. Receive and file Topic for Consideration for City Council Agenda received on July 16, 2021.
- 3.E. Ratify the approval of the application for a Special Designated Liquor License submitted by Citta' Deli, Liquor License #C-121305, for an Open House Event to be held at the Charter West Office, 116 Norris Avenue, on October 1, 2021 from 3:00 P.M. to 12:00 A.M.
- 3.F. Adopt Resolution No. 2021-19, updating the City of McCook Transit Passenger Handbook.

- 3.G. Receive and file the minutes of the September 13, 2021 Planning Commission meeting.
- 3.H. Receive and file the claims for the month of August 2021, published September 17, 2021.

4. Regular Agenda.

- 3.D. Adopt Resolution No. 2021-18 setting the property tax request for FY 2021/2022.

Councilmember Weedin noted that Section 5 of the presented resolution was amended to state “will increase or decrease last year’s budget by 21.35 percent”, instead of 24.36 percent.

Motion to adopt Resolution No. 2021-18 setting the property tax request for FY 2021/2022. This motion, made by Weedin and seconded by Muehlenkamp, passed.

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

- 4.A. Approve an amended lease with McCook K9 Korner for land located in the southwestern portion of Barnett Park to be used as a dog park and authorize the Mayor to sign.

Bruce McDowell, representing McCook K9 Korner, was present to address questions from the Council.

Motion to approve an amended lease with McCook K9 Korner for land located in the southwestern portion of Barnett Park to be used as a dog park and authorize the Mayor to sign. This motion, made by Calvin and seconded by Muehlenkamp, passed.

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

- 4.B. Discussion regarding the location and size of the exterior sign(s) at the McCook City Library for the Birdella Nelson Technology Center.

Andy Long presented information regarding the Birdella Nelson Technology Center and three options for signage of the center on the library.

Library Director Crocker stated that the Library Board originally approved only one sign and that it be placed on the north side because that would be the preferred entrance to the center. They do not have issues with the signs located on either side, as long as the lettering was slightly larger for “McCook City Library”.

Consensus of the Council was agreement of signs on the north and south side with font sizes similar to what was presented for the south side - with McCook City Library being larger font; with this item to be brought back to the Council for an action item in the future.

- 4.C. Receive and file a presentation from City Attorney, Nathaniel Mustion, regarding an update on the creation of a regional land bank.

City Attorney Mustion gave an update on the creation of a regional land bank and presented a proposed interlocal agreement to establish the Southwest Nebraska Municipal Land Bank.

The Council and staff will review the proposed agreement and bring back at the October 18 meeting for discussion and possible consideration.

4.D. Ordinance No. 2021-3022 providing for the amendment of Appendix F, Solid Waste Collection Fees of the City of McCook Code of Ordinances.

Mayor Gonzales asked the Clerk to read Ordinance No. 2021-3022 by title.

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. 2019-2988 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. 2021-3022 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: ABSENT
YEA: 4, NAY: 0, ABSENT: 1

Motion for final passage of Ordinance No. 2021-3022. This motion, made by Calvin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: ABSENT
YEA: 4, NAY: 0, ABSENT: 1

Mayor Gonzales stated for the record that Ordinance No. 2021-3022 is declared lawfully passed and adopted upon publication as required by law.

4.E. Approve Motorola Radio Contract for replacement of two position radio consoles in the McCook Police Department Communications Center.

Motion to approve Motorola Radio Contract for replacement of two position radio consoles in the McCook Police Department Communications Center. This motion, made by Weedin and seconded by Muehlenkamp, passed.

Gonzales: YEA, Calvin: YEA, Weedin: YEA, Muehlenkamp: YEA, Rambali: ABSENT
YEA: 4, NAY: 0, ABSENT: 1

4.F. Council Comments.

Mayor Gonzales stated that 2,077 pool surveys had been completed, that survey's will be accepted

until September 30, and that Councilmember Weedin and Muehlenkamp will be attending the Nebraska League of Municipalities Annual Conference this coming Thursday and Friday.

Adjournment.

There being no further business to come before the Council, Mayor Gonzales declared the meeting adjourned at 6:31 P.M.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM # 3.B.

RECOMMENDATION:

Approve Resolution No. #2021-20 amending the rates for the ambulance service operated by the City of McCook, Nebraska.

On August 16, 2021 Resolution #2021-13 was approved by the City Council. This resolution increased the ambulance base rate per the recommendation of Quick Med Claims, who suggest that base rates be reviewed and adjusted on a periodic basis.

Barbie Long, Director of Community Healthcare and Hospice at Community Hospital McCook is requesting an adjusted fee for the transport of hospice patients in need of respite care. They have an agreement with Priority Medical Transport to provide these transfers and they will continue to use Priority Medical Transport as their primary means of providing this service. There have been occurrences recently whereas Priority Medical Transport is not available due to staffing and call volume so Barbie has asked if the city could serve as a backup in cases where hospice patients need transported and Priority Ambulance Transport is not available.

The current agreement they have with Priority Medical Transport is a fee of \$250.00 and they are requesting the same agreement with the city.

Medicare nor Medicaid will reimburse for a hospice patient to be transported because it is non-emergent and the hospice Medicare benefit does not pay for transportation nor does Medicaid or any private insurance, therefore, the agency is responsible for payment and they receive no reimbursement for this service. Many patients cannot be transported privately due to decline in health status and transport services are needed to transfer to the hospital for respite care or if the patient needs transported from their home to a facility such as a nursing home or assisted living, due to needing more care than what can be provided in the home. This occurs approximately 1 – 3 time a year.

**FISCAL
IMPACT: None**

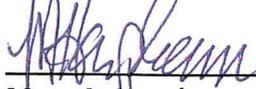
RECOMMENDATION:

Approve Resolution No. #2021-20 amending the rates for the ambulance service operated by the City of McCook, Nebraska.

CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING

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APPROVALS:



Marc A. Harpham, Fire Chief

21 Sept 2021

Date



Lea Ann Doak, City Clerk

9/28/21

Date



Nate Schneider, City Manager

10-1-2021

Date

RESOLUTION NO. 2021-20

A RESOLUTION AMENDING THE RATES FOR THE AMBULANCE SERVICE OPERATED BY THE CITY OF MCCOOK, NEBRASKA; AMENDING THE CITY OF MCCOOK CODE OF ORDINANCES, BY ADDING APPENDIX O: CITY AMBULANCE FEES, TO CHAPTER 38: FEE SCHEDULE; AND REPEALING ALL OTHER RESOLUTIONS IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA:

SECTION 1. That the City of McCook Code of Ordinances, Chapter 38: Fee Schedule; shall be amended by adding Appendix O: City Ambulance Fees, to read as follows:

“APPENDIX O: CITY AMBULANCE FEES

Basic Life Support (BLS) Non Emergency Base Rate	\$525.00
Basic Life Support (BLS) Emergency Base Rate	\$750.00
Advanced Life Support (ALS) Non Emergency Base Rate	\$750.00
Advanced Life Support (ALS) Emergency Level 1 Base Rate	\$1,000.00
Advanced Life Support (ALS) Emergency Level 2 Base Rate	\$1,250.00
Mileage	\$18.00 patient mile
Advanced Life Support (ALS) Treatment with No Transport (Assessment, IV, Medication)	\$250.00
Intergovernmental Transport Fee	\$250.00
Community Hospital Healthcare and Hospice Transport	\$250.00
Advanced Life Support (ALS) Paramedic Intercept.....	\$100.00
Lift Assist/no transport* No charge for first six (6) annually (October 1-September 30), then	\$85.00

*If requested by Nursing Home or an Assisted Living Facility,
the facility will be charged, not the patient.

SECTION 2. These rates shall take effect and be in force as of October 1, 2021.

SECTION 3. Any and all other resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED AND APPROVED this 4th day of October, 2021.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk.

AMBULANCE BASE RATE ADJUSTMENT PROPOSAL

In February of 2001 the City of McCook signed a contract with EMS Billing Services to take over the ambulance billing for the City of McCook Fire Department. At that time the ambulance base rates were adjusted to coincide with the government reimbursement rates. In order to stay current with the rates, periodic adjustments should be made.

These proposed rates are based on comparing the current government reimbursement rates to our current customary charges. In order to keep our reimbursement rates to their maximum level, we are recommending these proposed changes. These rates will continue to change annually and we will continue to make proposed changes as we see fit.

This proposed rate increase will also assist the Department with funding for additional equipment and the increase in supply needs for our increase in ambulance calls.

Proposed Changes

<u>Current Charge/Description</u>		<u>Proposed Charge</u>
BLS Non-Emergency Base	\$525.00	\$525.00 (no change)
BLS Emergency Base	\$700.00	\$750.00 (increase \$50)
ALS Non Emergency Base	\$750.00	\$750.00 (no change)
ALS Emergency Level 1	\$1000.00	\$1000.00 (no change)
ALS Emergency Level 2	\$1250.00	\$1250.00 (no change)
Mileage change)	\$18.00/pt. mile	\$18.00/ pt. mile (no
Advanced Life Support Treatment with No Transport (Assessment, IV, Medication)	\$200.00	\$250.00 (increase \$50)
Intergovernmental Transport	\$250.00	\$250.00
Community Hospital Healthcare and Hospice transport	\$250.00	\$250.00
ALS Paramedic Intercept	\$100.00	\$100.00
Lift Assist/no transport*	Currently no charge	\$85.00 after 6 (new)

*If lift assist is for a Nursing Home or an Assisted Living Facility, the facility will be charged, not the patient.

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: _____

Approve the application for a Special Designated Liquor License submitted by JBN, Inc., dba Hi Times Liquor Mart 1, Liquor License #DK-100025, for a reception to be held at the Red Willow County Fairgrounds Community Building, 1412 West 5th Street, on November 27, 2021 from 12:00 P.M. to 1:00 A.M.

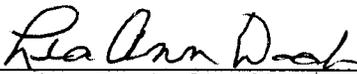
BACKGROUND:

JBN will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

FISCAL

IMPACT: None.

APPROVALS:



Lea Ann Doak, City Clerk

September 30, 2021



Nathan A. Schneider, City Manager

September 30, 2021

**Special Designated License
Local Recommendation (Form 200)**
Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

JBN INC DBA HI IMES LIQUOR MART 1

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

502 EAST B STREET, MCCOOK, NE. 69001

Retail Liquor License Address or Non-Profit Business Address

DK 100025

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): 11-27-21 _____

Event Start Time(s): 12:00PM _____

Event End Time(s): 1:00AM _____

Alternate Date: NONE

Alternate Location Building & Address: NONE

Event Building Name: RED WILLOW COUNTY COMMUNITY BUILDING

Event Street Address/City: 1412 WEST 5TH STREET

Indoor area to be licensed in length & width: 150 x 100

Outdoor area to be licensed in length & width: _____ x _____ (Diagram Form #109 must be attached)

Type of Event: RECEPTION **Estimate # of attendees:** 300

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: LINDA SCHIFLEBEIN **Event Contact Phone Number:** 308-344-9170

Event Contact Email: johnnothnagel@yahoo.com

***Signature Authorized Representative:** [Signature] **Printed Name** NICK NOTHNAGEL

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

***Retail licensee – Must be signed by a member listed on permanent license**
***Non-Profit Organization – Must be signed by a Corporate Officer**

Local Governing Body completes below:

The local governing body for the City/Village of MCCOOK **OR** County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature _____
Date

OUTDOOR AREA DIAGRAM

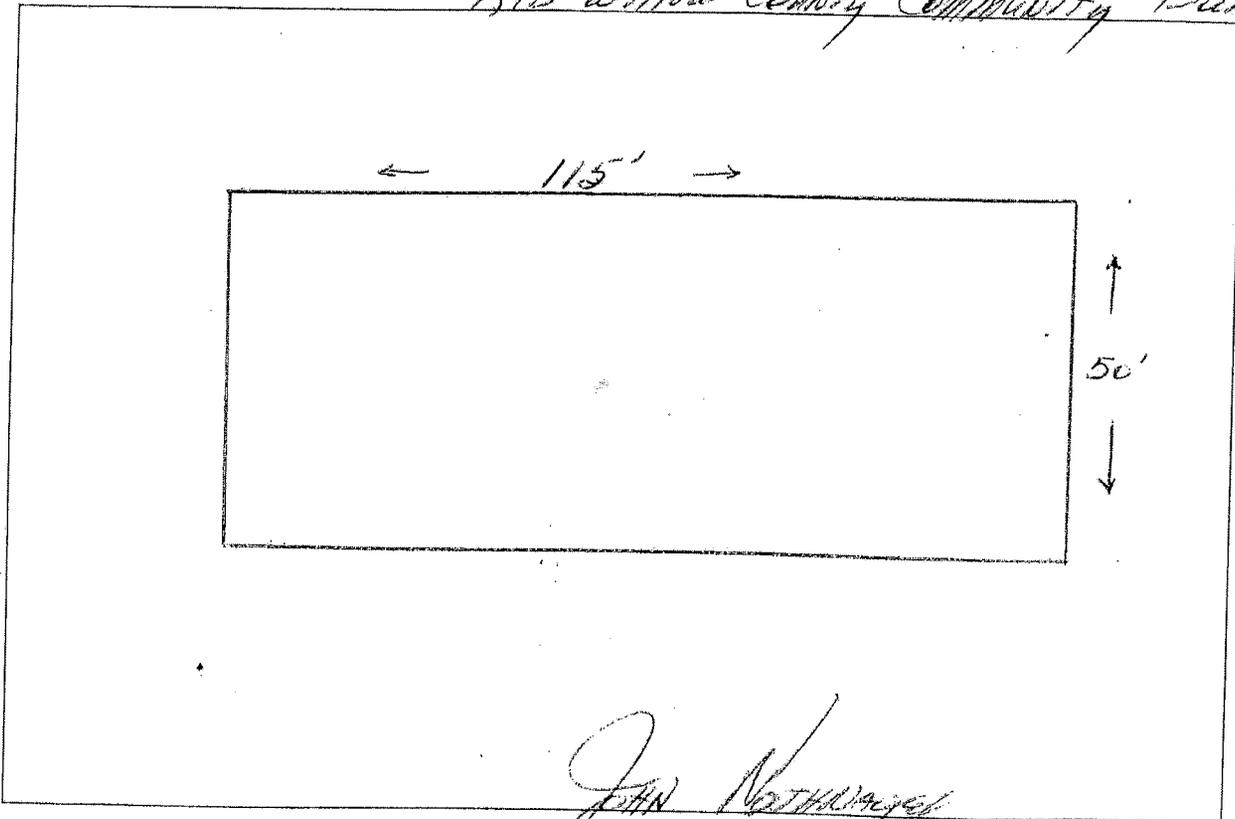
WE WILL HAVE CERTIFIED ALCOHOL
SERVERS AT EVENT ALONG WITH

HOW AREA WILL BE PATROLLED SOME ONE WATCH DOORS.

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:

RED Willow County Community Building



John N. [Signature]
JBN INC DBA Hi Times Liquor Mart



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/10/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER		CONTACT NAME: Denise Broomfield	
MNB Insurance Services		PHONE (A/C, No, Ext): (308) 345-6055	FAX (A/C, No): (308) 345-2663
217 West 1st		E-MAIL ADDRESS: DBroomfield@mnb.bank	
PO Box 30		INSURER(S) AFFORDING COVERAGE	
McCook		INSURER A: United States Liability Insurance Co.	
NE 69001-0030		NAIC #	
INSURED			
JBN/Hi-Times Liquor Mart		INSURER B:	
801 East B St.		INSURER C:	
McCook		INSURER D:	
NE 69001		INSURER E:	
		INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL2061004998 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			CL3289559	06/20/2020	06/20/2021	EACH OCCURRENCE \$ 500,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person) \$ 5,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC.						PERSONAL & ADV INJURY \$ 500,000
	OTHER:						GENERAL AGGREGATE \$ 1,000,000
							PRODUCTS - COMP/OP AGG \$ 1,000,000
							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY		<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY		<input type="checkbox"/> NON-OWNED AUTOS ONLY				PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Red Willow County Community Building 1412 West 5th McCook NE 69001	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Denise Broomfield</i>
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**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: 3.D.

Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a concert to be held at the Red Willow County Fairgrounds Kiplinger Arena, Building, 1412 West 5th Street, on October 23, 2021 from 8:00 A.M. to 11:00 P.M.

BACKGROUND:

Ambriz Ventures will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 29, 2021



Nathan A. Schneider, City Manager

September 29, 2021

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Ambriz Ventures, LLC

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

312 Norris Avenue, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

CK #124450

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only 10-23-21
Event Date(s): _____

Event Start Time(s): 8:00 am _____

Event End Time(s): 11:00 pm _____

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: Kiplinger Arena

Event Street Address/City: 1412 West 5th St., McCook, NE 69001

Indoor area to be licensed in length & width: 130 X 300

Outdoor area to be licensed in length & width: _____ X _____ (Diagram Form #109 must be attached)

Type of Event: Concert Estimate # of attendees: 1,000

Type of alcohol to be served: Beer Wine _____ Distilled Spirits _____
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Andrew Ambriz Event Contact Phone Number: 402-922-0774

Event Contact Email: andrew.james.ambriz@gmail.com

*Signature Authorized Representative: Andrew Ambriz Printed Name Andrew Ambriz

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: **3.E.**

Approve the application for a Special Designated Liquor License submitted by Ambriz Ventures, LLC, Liquor License #CK-124450, for a Sip & Shop at Keystone Floral, 213 Norris Avenue, on October 22, 2021 from 4:00 P.M. to 9:00 P.M.

BACKGROUND:

Ambriz Ventures will be catering this event. They are making application to allow them to serve alcohol at this temporary location. Approval of the City Council is required with all applications.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 29, 2021



Nathan A. Schneider, City Manager

September 29, 2021

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

Ambriz Ventures, LLC

Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

312 Norris Avenue, McCook, NE 69001

Retail Liquor License Address or Non-Profit Business Address

CK # 124450

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): 10-22-21 _____

Event Start Time(s): 4:00 pm _____

Event End Time(s): 9:00 pm _____

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: Keystone Floral

Event Street Address/City: 213 Norris Ave., McCook, NE 69001

Indoor area to be licensed in length & width: 50 X 50

Outdoor area to be licensed in length & width: _____ X _____ (Diagram Form #109 must be attached)

Type of Event: Sip & Shop Estimate # of attendees: 100

Type of alcohol to be served: Beer Wine Distilled Spirits _____
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Jamie Mockry Event Contact Phone Number: 308-340-6332

Event Contact Email: jamie.sehnerts@gmail.com

*Signature Authorized Representative: Andrew Ambriz Printed Name Andrew Ambriz

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license

*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: 3.F.

Approve an agreement between the City of McCook and Miller & Associates, Consulting Engineers, P.C. for Grant Administration Services for ARPA Funding and authorize the Mayor to sign.

BACKGROUND:

The agreement with Miller & Associates will provide a Grant Administrator to work with the City to assist with meeting the Federal requirements attached to the acceptance of the ARPA funds. The Grant Administrator will assist with the preparation of the required Project and Expenditure Reports due to the Treasury by October 31 annually; assist with any required reporting and documentation, bidding and proposal documents; and assist with review of contractor weekly payrolls for compliance with wage requirements. The administrator fees are an eligible ARPA expense.

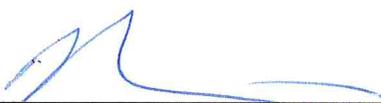
**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 29, 2021



Nathan A. Schneider, City Manager

September 29, 2021

An Agreement for the Provision of Limited Professional Services

Design Professional Firm:	MILLER & ASSOCIATES, CONSULTING ENGINEERS, P.C. 1111 Central Avenue Kearney, NE 68847 <i>(hereinafter called ADMINISTRATOR)</i>	Client: CITY OF MCCOOK P.O. Box 1059 302 West 5 th McCook, NE 69001 <i>(hereinafter called CLIENT)</i>
----------------------------------	---	--

Date: September 24, 2021

Project No. 200-G7-00AD

Project Name/Location: Grant Administration Services for ARPA Funding, received by CLIENT

Scope/Intent and Extent of Services:

1. The ADMINISTRATOR will prepare the required annual Project and Expenditure Report and submit it to the U.S. Department of Treasury by October 31st, and then annually thereafter until project closeout.
2. Assist CLIENT with any other required reporting and documentation as required by the State of Nebraska or the U.S. Department of Treasury.
3. Review Bidding Documents or Proposal Document *(if applicable for the project)* for inclusion of required ARPA provisions.
4. Collect and review contractor submitted weekly payrolls for compliance with wage requirements. Conduct contractor employee wage interviews at intervals required by the regulatory agency. Consult with Contractor on any deficiencies to allow for correction in accordance with guidelines. *(if applicable for the project)*

Fee Arrangement: Services will be conducted on a time and material hourly basis, in accordance with the following rates:

Classification	Rate
Grant Administrator	\$70.00/hour
Mileage	\$0.50/mile
Reproduction Services	@ Cost

Excluded Services: The following services are not included in the scope of work, and (if requested) will be considered Additional Services:

1. Engineering and Surveying Services
2. Preparation of Storm Water Pollution Prevention Plan, if site encompasses more than 1-acre
3. Construction Phase Services, including On-Site Construction Observation Services

Offered by:

Accepted by:



signature

9-24-21

date

signature

date

Ashley Weesner, Grant Administration Dept.

printed name/title
Miller & Associates,
Consulting Engineers, P.C.

CONSULTANT

City of McCook

CLIENT

The Terms and Conditions on the following page are a part of this Agreement

Terms and Conditions

The ADMINISTRATOR shall perform the services outlined in this agreement for the stated fee arrangement.

Dispute Resolution: Any claims or disputes made during design, construction or post-construction between the CLIENT and ADMINISTRATOR shall be submitted to non-binding mediation. CLIENT and ADMINISTRATOR agree to include a similar mediation agreement with all contractors, subcontractors, subconsultants, supplies and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties.

Billing/Payment: Invoices for the ADMINISTRATOR's services shall be submitted, at the ADMINISTRATOR's option, either between completion of such services or on a monthly basis. Invoices shall be payable within 30 days after the invoice date. If the invoice is not paid within 30 days, the ADMINISTRATOR may, without waiving any claim or right against the CLIENT, and without liability whatsoever to the CLIENT, terminate the performance of the service. Retainers shall be credited on the final invoice.

Late Payments: Accounts unpaid 60 days after the invoice date may be subject to a monthly service charge of 1.5% (or the legal rate) on the then unpaid balance. In the event any portion or all of an account remains unpaid 90 days after the billing, the CLIENT shall pay all costs of collection, including reasonable attorney's fees.

Indemnification: The CLIENT shall, to the fullest extent permitted by law, indemnify and hold harmless the ADMINISTRATOR, his or her officers, directors, employees, agents and subconsultants from and against all damage, liability and cost, including reasonable attorney's fees and defense costs, arising out of or in any way connected with the performance by any of the parties above named of the services under this agreement, excepting only those damages, liabilities or costs attributable to the sole negligence or willful misconduct of the ADMINISTRATOR.

Certifications: Guarantees and Warranties: The ADMINISTRATOR shall not be required to execute any document that would result in its certifying, guaranteeing or warranting the existence of conditions whose existence the ADMINISTRATOR cannot ascertain.

Defects in Service: The CLIENT shall provide prompt written notice to the ADMINISTRATOR if the CLIENT becomes aware of any fault or defect in the Project, including any errors, omissions or inconsistencies in the ADMINISTRATOR's instruments of service.

Limitation of Liability: In recognition of the relative risks, rewards and benefits of the project to both the client and the ADMINISTRATOR, the risks have been allocated such that the CLIENT agrees that, to the fullest extent permitted by law, the ADMINISTRATOR's total liability to the CLIENT for any and all injuries, claims, losses, expenses, damages or claim expenses arising out of this agreement from any cause or causes, shall not exceed the fee. Such cause may include, but are not limited to, the ADMINISTRATOR's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.

Consequential Damages: In no event will ADMINISTRATOR, ADMINISTRATOR's affiliated corporations, officers, employees, or subcontractors be liable for special, indirect, or consequential damages, and in order to protect ADMINISTRATOR against indirect liability or third-party proceedings, CLIENT will indemnify ADMINISTRATOR for any such loss or damage.

Termination of Services: This agreement may be terminated by the CLIENT or the ADMINISTRATOR should the other fail to perform its obligations hereunder. In the event of termination, the CLIENT shall pay the ADMINISTRATOR for all services rendered to the date of termination, and all reimbursable expenses.

Ownership of Documents: All documents produced by the ADMINISTRATOR under this agreement shall remain the property of the ADMINISTRATOR and may not be used by the CLIENT for any other endeavor without the written consent of the ADMINISTRATOR.

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: 3.G.

RECOMMENDATION:

Receive and file the minutes of the July 14, 2021 Library Advisory Board meeting.

BACKGROUND:

Receive minutes from the various board and commission meetings.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 29, 2021

McCook Public Library Advisory Board Meeting Minutes

July, 14 2021 at 4:00 pm CDT

A copy of the Open Meetings Act is posted by the white board on the west wall of the meeting room in the library basement.

1. **Call to Order/attendance:** Kevin Cochran called the meeting to order with Jody Crocker, Sharon Bohling, and Staci Blomstedt also in attendance.
2. **Opportunity for Comments from the Public:** No public comment
3. Notice of the meeting was given in advance thereof by publication in the *McCook Gazette* on July 9, 2021, 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 all members for the Library Board. Availability of the agenda was communicated in the advance notice. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.
4. **Read and approve May 2021 meeting minutes.** Moved by Sharon/seconded by Staci to approve the minutes as presented. Motion carried.
5. **Open discussion from board members on items not on the agenda:** none were presented
6. **Director's Report and update on upcoming activities**
 - ✓ The library portion of Buffalo Commons was successful upstairs with 55 in attendance
 - ✓ Summer reading program numbers are down a little, possibly due to summer school and VBS
 - ✓ Kudos to summer volunteers Kiera Hazen, Leni Henderson, Jackson Blomstedt and Sharon Bohling
 - ✓ Innovation Studio usage is increasing
 - ✓ A 1,000 Books Before Kindergarten event is planned for August
 - ✓ September will see the return of story times and Terrific Tuesdays
 - ✓ The junior high group will re-up in October
 - ✓ Decision on circulation/catalog program is still to be made
 - ✓ *Laughing Matters* will be July 19 at the city auditorium
 - ✓ Library hours will remain the same until after Labor Day when Saturday hours may return
 - ✓ Kristen Henderson has given her notice. She will be missed. The position will be advertised
 - ✓ Water fountains remain closed, computer use is still restricted to once per day
 - ✓ One week + one day of summer reading to go
7. **New Business** Payment of \$64 for PO Box rental was approved.
8. **Set date for next meeting:** The next meeting will be September 8 at 4:00pm
9. **Meeting adjournment:** Meeting was declared adjourned at 4:25

Sharon Bohling

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 CITY COUNCIL MEETING**

ITEM: 4.A.

Consider, under suspension of the rule, Ordinance No. 2021-3025 amending the City of McCook Code of Ordinances relating to the City Treasurer, to harmonize with state law.

BACKGROUND:

Staff has started the process of reviewing the model ordinances prepared by the League of Nebraska Municipalities Codification Service for legislation passed during the 2020 session. The presented ordinance harmonizes with current state law and establishes the requirement for the City Treasurer to annually complete continuing education.

Because the ordinance does harmonize with current state law, staff recommends it approval under suspension of the statutory rule required reading on three different days.

**FISCAL
IMPACT:** None.

APPROVALS:



Lea Ann Doak, City Clerk

September 30, 2021



Nathan A. Schneider, City Manager

September 30, 2021

ORDINANCE NO. 2021-3025

AN ORDINANCE RELATING TO THE CITY TREASURER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MCCOOK, NEBRASKA:

Section 1. The City's Code of Ordinances is revised to read as follows regarding the duties of the City Treasurer:

CITY TREASURER.

(A) (1) The City Treasurer shall be the custodian of all money belonging to the City. He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports. The Treasurer shall, at the end of every month, and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the City Clerk's office. If the Treasurer fails to render his or her account within 20 days after the end of the month, or by a later date established by the City Council, the Mayor may use this failure as cause to remove the Treasurer from office.

(2) The Treasurer shall keep a record of all outstanding bonds against the City, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The Treasurer shall accompany the annual statement submitted pursuant to Neb. RS 19-1101 with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

(3) The Treasurer shall annually complete continuing education through a program approved by the Auditor of Public Accounts, and proof of completion of such program shall be submitted to the Auditor of Public Accounts.

(B) (1) The Treasurer shall prepare and publish annually within 60 days after the close of the City fiscal year a statement of the receipts and expenditures of funds of the City for the preceding fiscal year. The statement shall also include the information required by Neb. RS 16-318(3). Not more than the legal rate provided for in Neb. RS 33-141 shall be charged and paid for such publication. (Neb. RS 19-1101)

(2) Publication shall be made in one legal newspaper of general circulation in the City. If no legal newspaper is published in the City, then such publication shall be made in one legal newspaper published or of general circulation within the county in which the City

is located. (Neb. RS 19-1103)

(C) (1) All warrants upon the Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in Neb. RS 77-2201 through 77-2215. (Neb. RS 77-2201)

(2) The Treasurer shall keep a warrant register, which register shall show in columns arranged for that purpose the number, the date, and the amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the warrant is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed. (Neb. RS 77-2202)

(3) The Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall, by distinct lines and columns, show the amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The Treasurer shall deliver one of the duplicates to the person making the payment and retain the other in his or her office. (Neb. RS 77-2209)

(4) The Treasurer shall daily, as money is received, foot the several columns of the cash book and of the register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in the register and shall carry forward the excess. (Neb. RS. 77-2210)

(5) The cash book, register, and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid. (Neb. RS 77-2212)

(D) The Treasurer shall keep all money belonging to the City separate and distinct from his or her own money. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the City, whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a monthly report as to the collection of delinquent taxes.

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law in its entirety or in pamphlet form.

PASSED AND APPROVED this _____ day of _____, 2021.

Michael D. Gonzales, Mayor

ATTEST:

Lea Ann Doak, City Clerk

Publish:

**CITY MANAGER'S REPORT
OCTOBER 4, 2021 MCCOOK CITY COUNCIL MEETING**

ITEM NO. 4.B. Approve two exterior signs at the McCook City Library for the Birdella Nelson Technology Center.

BACKGROUND:

In August of 2020, the McCook City Council approved receiving a \$500,000 gift from Senator Ben Nelson for the creation of the Birdella Nelson Technology Center at the McCook City Library. The McCook City Council also approved naming the technology center the Birdella Nelson Technology Center. At the September 20, 2021 McCook City Council Meeting, the Council discussed the location and number of signs to be placed on the exterior of the McCook City Library, denoting the Birdella Nelson Technology Center. The Council discussed their preference, which was to include signs on both the north and south sides of the library. Additionally, the Council discussed the importance of assuring the new signs fit within the context of the existing signage.

APPROVALS:



Nathan A. Schneider, City Manager

October 1, 2021



Lea Ann Doak, City Clerk

October 1, 2021

RECEIVED
9-20-21

