

MCCOOK CITY COUNCIL
November 1, 2010
7:30 P.M.

A MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF MCCOOK, NEBRASKA convened in open, regular, and public session at 7:30 o'clock P.M. in the City Council Chambers.

Present: Mayor Berry; Councilmembers Kircher, Anderson, Calvin, Gonzales; City Attorney Schneider; City Manager Fritsch; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on October 28, 2010, 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.

Mayor Berry announced that a copy of the Open Meetings Act was posted by the entrance to the Council Chambers and available for public review.

(1) INVOCATION - THE MCCOOK MINISTERIAL ASSOCIATION - JON ALBRECHT - MCCOOK HARVEST CHURCH.

No one was present for the invocation.

(2) CITIZEN'S FORUM.

Doug Joyce, Mid-Plains Community College Center for Enterprise, Pam Harsh, representing Leadership Institute 2008, and Gavin Harsh, representing the Youth Change Reaction (YCR), presented their ideas to the Council regarding the properties located at the intersection of Norris Avenue and "B" Street.

Ms. Harsh presented their vision for the east side of the street. The group has hired an artist and hope to incorporate landscape improvements with some version of a brick sculpture or artwork. The sculpture would be segmented into three parts with the center depicting the three governors Ralph Brooks, Frank Morrison, and Ben Nelson, along with Senator George Norris. One side then would focus on the ideals of southwest Nebraska and the other would focus on its physical characteristics.

Mr. Harsh presented the YCR vision for the west side of the street, which included a mural, fountains, and a waterfall.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Library Director Jody Crocker introduced and welcomed Jim Pleinis as the new maintenance/custodian for the Library.

With the consent of the Council, Mayor Berry requested that Item No. 5 and Item No. 10 be

moved up on the agenda and considered at this time.

- (5) APPROVE THE BID SPECIFICATIONS FOR THE NORRIS PARK BAND SHELL AND SET BID OPENING FOR NOVEMBER 23, 2010 AT 2:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Jerry Berggren and Kristin Miles of Berggren Architects, reviewed with Council their proposed bid specifications for renovation of the Norris Park Band Shell.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the bid specifications for the Norris Park Band Shell and set bid opening for November 23, 2010 at 2:00 P.M. in the City Council Chambers. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

- (10) APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE CITY OF MCCOOK AND THE NEBRASKA STATE HISTORIC PRESERVATION OFFICE FOR THE WEST WARD SCHOOL BUILDING.

Mr. Berggren reviewed the status of the recordation project of the West Ward School building as required by the Nebraska State Historic Preservation Office (SHPO), to meet Section 106 requirements. The written history and archival photography of the facility will be completed this week and forwarded to SHPO. He added that it now appropriate for the Council to approve the MOA.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign the Memorandum of Agreement between the City of McCook and the Nebraska State Historic Preservation Office for the West Ward School building. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

- (4) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE OCTOBER 18, 2010 REGULAR CITY COUNCIL MEETING AND THE OCTOBER 14 AND 25, 2010 SPECIAL CITY COUNCIL MEETINGS.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the October 18, 2010 regular City Council meeting and the October 14 and 25, 2010 special City Council meetings. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM B APPROVE AND AUTHORIZE THE MAYOR TO SIGN CHANGE ORDER NO. 1, CERTIFICATE OF SUBSTANTIAL COMPLETION, AND PAY APPLICATION 1-FINAL FOR REPLACEMENT OF THE KARRER PARK FORCE MAIN.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign Change Order No. 1, Certificate of Substantial Completion, and Pay Application 1-Final for Replacement of the Karrer Park Force Main. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM C APPROVE AND AUTHORIZE THE MAYOR TO SIGN CHANGE ORDER NO. 1,

CERTIFICATE OF SUBSTANTIAL COMPLETION, AND PAY APPLICATION
3-FINAL FOR THE REPLACEMENT AND EXTENSION FOR SOUTH STREET
AND KELLEY CREEK WATER MAINS.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign Change Order No. 1, Certificate of Substantial Completion, and Pay Application 3-Final for the Replacement and Extension for South Street and Kelley Creek Water Mains. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM D APPROVE BID SPECIFICATIONS AND DOCUMENTS FOR ONE (1) NEW 4-WHEEL DRIVE TYPE I AMBULANCE AND SET THE DATE TO RECEIVE BIDS AS NOVEMBER 23, 2010 AT 2:30 P.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve bid specifications and documents for one (1) new 4-Wheel Drive Type I Ambulance and set the date to receive bids as November 23, 2010 at 2:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH L.L.C., LICENSE NUMBER IK-57785, FOR A BUSINESS CHRISTMAS PARTY TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON DECEMBER 4, 2010 FROM 10:00 A.M. TO 1:00 A.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough L.L.C., License Number IK-57785, for a Business Christmas Party to be held at the Red Willow County Fairgrounds Community Building, 1408 West 5th Street, on December 4, 2010 from 10:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM F RECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD DATED OCTOBER 5, 2010.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the Senior Center Advisory Board dated October 5, 2010. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM G APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CITY OF MCCOOK AND RICHARD TRAIL AMENDED LEASE AGREEMENT FOR PROPERTY LOCATED AT THE MCCOOK BEN NELSON REGIONAL AIRPORT.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign the City of McCook and Richard Trail Amended Lease Agreement for property located at the McCook Ben Nelson Regional Airport. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM H APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CITY OF MCCOOK AND AIRMD, L.L.C. D/B/A LIFE TEAM LEASE AGREEMENT FOR PROPERTY

LOCATED AT THE MCCOOK BEN NELSON REGIONAL AIRPORT.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve and authorize the Mayor to sign the City of McCook and AirMD, L.L.C. d/b/a Life Team Lease Agreement for property located at the McCook Ben Nelson Regional Airport. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

ITEM I ADOPT RESOLUTION NO. 2010-26 APPROVING THE AGENCY AGREEMENT WITH THE NEBRASKA DEPARTMENT OF AERONAUTICS FOR THE CONSTRUCTION OF A WILDLIFE FENCE AT MCCOOK BEN NELSON REGIONAL AIRPORT AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2010-26 approving the Agency Agreement with the Nebraska Department of Aeronautics for the construction of a wildlife fence at McCook Ben Nelson Regional Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

REGULAR AGENDA

(6) INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2010-2846 PROVIDING FOR THE AMENDMENT OF CHAPTER 7, ARTICLE 4, SECTION 402, 403, 404, AND 409 OF THE MCCOOK MUNICIPAL CODE - DISCHARGE OF FIREWORKS GENERALLY, AMENDING THE DAYS AND HOURS OF SALE.

Councilmember Gonzales introduced Ordinance No. 2010-2846 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA AMENDING CHAPTER 7, ARTICLE 4, OF THE MUNICIPAL CODE OF THE CITY OF MCCOOK, NEBRASKA - DISCHARGE OF FIREWORKS GENERALLY, AMENDING THE DAYS AND HOURS OF SALE; 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.

The motion was made by Mayor Berry, seconded by Councilmember Kircher, that the number and title of said Ordinance be approved. Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

Ordinance No. 2010-2846 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Anderson, to approve Ordinance No. 2010-2846 on its first reading.

Fire Chief Harpham informed the Council that recent legislative changes allow for fireworks to be sold at retail during a second selling period between December 28 and January 1 of each. The presented ordinance provides for the sale of fireworks during that period and also allows for the use of fireworks from 8:00 a.m. to 10:00 p.m. during that same period. This change will also require any person applying for a permit for the second selling period to pay the City's \$75.00 fee.

Councilmember Calvin questioned the need for the additional days to sell and discharge fireworks.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to restore the presented Section 7-409 to reflect the current approved language, which provides for the discharge of fireworks between the hours of 11:00 p.m. December 31 and 1:00 a.m. January 1. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson. NAY: Calvin, Gonzales.

The Mayor then stated the question: "Shall Ordinance No. 2010-2846 be passed upon its first reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Kircher, Anderson. NAY: Calvin, Gonzales. Motion carried.

- (7) RECEIVE AN UPDATE REGARDING THE PROPERTY LOCATED AT 810½ WEST 4TH STREET, DECLARED AS A NUISANCE PROPERTY BY THE MCCOOK BOARD OF HEALTH ON SEPTEMBER 30, 2010, AND DIRECT STAFF TO ABATE THE NUISANCE ISSUES IN THE EVENT THE NUISANCE ISSUES HAVE NOT BEEN ABATED.

Sharon Boley informed the Council that she had contacted a plumber to repair the water issue. They were supposed to have started but their digger is broken and they will not be able to start the project for at least two weeks. She has cleaned out one bedroom, the kitchen, replaced the bathroom flooring, and has started on the living room. She presented pictures of her progress.

City Manager Fritsch stated that he had been in contact with the plumber and confirmed that their trencher was broken and that they were planning to be at Ms. Boleys in one to two weeks.

Upon a motion by Mayor Berry, seconded by Councilmember Kircher, the Council voted to postpone consideration of this item until the November 15 meeting requested that staff inspect the property before that time. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

- (8) RECEIVE AN UPDATE REGARDING THE PROPERTY LOCATED AT 211 WEST "P" STREET, DECLARED AS A NUISANCE PROPERTY BY THE MCCOOK BOARD OF HEALTH ON SEPTEMBER 30, 2010, AND DIRECT STAFF TO ABATE THE NUISANCE ISSUES IN THE EVENT THE NUISANCE ISSUES HAVE NOT BEEN ABATED.

No action was taken on this item as all nuisance issues have been addressed by the property owner.

- (9) RECEIVE AN UPDATE REGARDING THE PROPERTIES LOCATED AT 1416 AND 1418 WEST FAIRACRES, DECLARED AS A NUISANCE PROPERTY BY THE MCCOOK BOARD OF HEALTH ON SEPTEMBER 30, 2010, AND DIRECT STAFF TO ABATE THE NUISANCE ISSUES IN THE EVENT THE NUISANCE ISSUES HAVE NOT BEEN ABATED.

City Manager Fritsch informed the Council that the Building Official has scheduled a meeting with the prospective owner of this property for November 3 and requested that Council delay their decision on this item until the November 15 meeting.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to postpone consideration of this item until the November 15 meeting to allow for this scheduled meeting and for the prospective owner to present a plan for abatement of the nuisances. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Anderson, Calvin, Gonzales. NAY: None.

(11) COUNCIL COMMENTS.

The Council encouraged all to get out and vote tomorrow.

(12) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:00 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk