

MCCOOK CITY COUNCIL
March 21, 2011
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: Councilmembers Gonzales, Kircher, Calvin, Hilker; City Attorney Schneider; City Manager Fritsch; City Clerk-Treasurer Doak.

Absent: Mayor Berry.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 17, 2011, 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 Gonzales 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 - CLARK BATES - MCCOOK CHRISTIAN CHURCH.

Clark Bates, pastor of the McCook Christian Church, was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

(4) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE MARCH 7, 2011 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the minutes of the March 7, 2011 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM B RECEIVE AND FILE THE MINUTES OF THE OCTOBER 4, 2010 AIRPORT ADVISORY COMMISSION MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to receive and file the minutes of the October 4, 2010 Airport Advisory Commission meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM C APPROVE THE AGREEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISIONS OF MEDICAID & LONG TERM CARE AND AMR/ACCESS2CARE TO PROVIDE NON EMERGENCY TRANSPORTATION (NET) AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the agreement with the Department of Health and Human Services, Division of Medicaid & Long Term Care and AMR/Access2Care to provide Non Emergency Transportation (NET) and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM D ADOPT RESOLUTION NO. 2011-07 CERTIFYING THAT THE CITY OF MCCOOK IS CONSIDERED BEING CAPABLE OF PROVIDING PUBLIC TRANSPORTATION FOR ITS CITIZENS.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to adopt Resolution No. 2011-07 certifying that the City of McCook is considered to be capable of providing public transportation for its citizens. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM E APPROVE THE APPLICATION FOR PUBLIC TRANSPORTATION ASSISTANCE FOR THE CITY OF MCCOOK FY 2011/2012.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the application for Public Transportation Assistance for the City of McCook FY 2011/2012. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM F APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC, LICENSE #IK-57785, FOR A RECEPTION TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON JUNE 10, 2011 FROM 2:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, License #IK-57785, for a reception to be held at the Keystone Business Center, 402 Norris Avenue, on June 10, 2011 from 2:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM H RATIFY THE MAYOR'S APPOINTMENT OF JIM HAMILL TO THE SENIOR CITIZENS ADVISORY BOARD TO FILL THE UNEXPIRED TERM OF CAROL BORGMAN, TERM EXPIRES SEPTEMBER 2011.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to ratify the Mayor's appointment of Jim Hamill to the Senior Citizens Advisory Board to fill the unexpired term of Carol Borgman, term expires September 2011. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM I APPROVE THE ARCHITECT/ENGINEER CONTRACT (AIA DOCUMENT B151, ABBREVIATED STANDARD FORM OF AGREEMENT) BETWEEN THE CITY OF MCCOOK AND LLOYD BENJAMIN FOR THE FOX THEATRE RECONSTRUCTION AND UPGRADING PROJECT CONTINGENT ON THE CITY RECEIVING RELEASE OF FUNDS FROM NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve the Architect/Engineer Contract (AIA Document B151, Abbreviated Standard Form of Agreement) between the City of McCook and Lloyd Benjamin for the Fox Theatre reconstruction and upgrading project contingent on the City receiving Release of Funds from the Nebraska Department of Economic Development. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

REGULAR AGENDA

ITEM 4G APPROVE THE REQUEST FROM THE RED WILLOW COUNTY FAIR BOARD FOR THE USE OF EIGHT SETS OF BLEACHERS FOR THE BULL RIDING EVENT TO BE HELD ON MARCH 26, 2011 AND AUTHORIZE THE MAYOR TO SIGN THE INDEMNIFICATION AGREEMENT.

Councilmember Gonzales introduced a motion to approve the request from the Red Willow County Fair Board for the use of eight sets of bleachers for the Bull Riding event to be held on March 26, 2011 and authorize the Mayor to sign the Indemnification Agreement. Councilmember Kircher seconded the motion.

Councilmember Gonzales questioned the need for this item to be brought before the Council for approval, adding that he felt it to be an administrative issue that did not need the Council's approval.

Motion was made by Councilmember Gonzales to direct staff to handle these types of items administratively in the future. Councilmember Calvin seconded the motion. With the consent of the second, Councilmember Gonzales withdrew his motion.

Council Vice President Gonzales then stated the question: "Shall the motion on the floor be approved?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry. Motion carried.

It was the consensus of the Council to have this type of request handled administratively in the future.

City Manager Fritsch noted requests with unusual circumstances would always be brought before the Council.

(5) MUNICIPAL FACILITIES UPDATE.

City Manager Fritsch informed the Council that we received eight proposals for Construction Manager of the new municipal facilities. The five members of the selection committee will review and score each proposal. The committee will have a conference call with the architects to rank the proposals. The top three or four will be interviewed the first week of April.

- (6) APPROVE ORDINANCE NO. 2011-2854 APPROVING THE REZONE OF LOTS ONE (1), TWO (2), AND THREE (3), FAIRACRES ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM RESIDENTIAL MEDIUM DENSITY MOBILE HOME DISTRICT (RM-M) TO BUSINESS COMMERCIAL DISTRICT (BC) UPON ITS THIRD AND FINAL READING.

Ordinance No. 2011-2854 now came up for third and final reading. Ordinance No. 2011-2854 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hilker. The Council Vice President then stated the question: "Shall Ordinance No. 2011-2854 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Council Vice President signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to publish Ordinance No. 2011-2854 in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

- (7) COUNCIL COMMENTS.

There were no Council comments.

- (8) ADJOURNMENT.

There being no further business to come before the Council, Council Vice President Gonzales declared the meeting adjourned at 7:42 P.M.

Mike Gonzales
Council Vice President

ATTEST:

Lea Ann Doak
City Clerk-Treasurer