

MCCOOK CITY COUNCIL  
April 4, 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: Mayor Berry; Councilmembers Gonzales, Kircher, Calvin, Hilker; 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 March 31, 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.

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 - STEVE BALES, FIRST CONGREGATIONAL CHURCH.

Steve Bales, pastor of the First Congregational Church, was present for the invocation.

(2) CITIZEN'S FORUM.

Dale Cotton addressed the Council regarding the McCook Army Air Base Historical Society and creating jobs through tourism. He informed the Council that they had applied for a \$50,000 grant through the County to purchase a concrete apron and to address security issues.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Fritsch informed the Council that during the restoration of the band shell they have discovered additional water and termite damage in the amount of approximately \$1,800. The change order will be presented to the Council at the next meeting for approval. Funding of these additional costs will come from sales tax revenue.

The Council set a special meeting for April 11, 2011 at 7:00 P.M. for selection of the Construction Manager at risk.

(4) PROCLAMATIONS:

ITEM A ADOPT THE PROCLAMATION DESIGNATING APRIL 12 - 19, 2011 AS "NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Hilker, seconded by Councilmember Gonzales, the Council

voted to adopt the proclamation designating the week of April 12 - 19, 2011 as “National Public Safety Telecommunicators Week” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B ADOPT THE PROCLAMATION DESIGNATING THE MONTH OF APRIL 2011 AS “SEXUAL ASSAULT AWARENESS MONTH” AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to adopt the proclamation designating the month of April 2011 as “Sexual Assault Awareness Month” and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(5) CONSENT AGENDA:

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

Councilmember Kircher requested that Item I be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE MARCH 21, 2011 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the March 21, 2011 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B APPROVE THE CLOSURE OF “C” STREET FROM NORRIS AVENUE TO WEST 1<sup>ST</sup> STREET FOR A CAR SHOW ON MAY 7, 2011.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the closure of “C” Street from Norris Avenue to West 1<sup>st</sup> Street for a Car Show on May 7, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D 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 MCCOOK MUNICIPAL AUDITORIUM, 302 WEST 5<sup>TH</sup> STREET, ON JUNE 25, 2011 FROM 10:00 A.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, 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 McCook Municipal Auditorium, 302 West 5<sup>th</sup> Street, on June 25, 2011 from 10:00 A.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E APPROVE THE AMENDED ADDENDUM TO THE OIL AND GAS LEASE TO BE ENTERED INTO BETWEEN THE CITY OF MCCOOK AND CREDO PETROLEUM.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to

approve the Amended Addendum to the Oil and Gas Lease to be entered into between the City of McCook and Credo Petroleum. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM F APPROVE THE AMENDMENT TO CONTRACT NO. 094ND45, CFDA #14.2228 WITH THE STATE OF NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT NEIGHBORHOOD STABILIZATION PROGRAM (NSP1).

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the Amendment to Contract No. 094ND45, CFDA #14.2228 with the State of Nebraska Department of Economic Development Neighborhood Stabilization Program (NSP1). The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM G RECEIVE AND FILE ARTICLE REGARDING THE CHOICE GAS SELECTION PERIOD WHICH BEGINS APRIL 15 AND RUNS THROUGH APRIL 28.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file article regarding the Choice Gas selection period which begins April 15 and runs through April 28. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM H RECEIVE AND FILE THE MINUTES OF THE TREE ADVISORY BOARD MEETING DATED MAY 6, 2010, THE PARKS ADVISORY BOARD MEETINGS DATED SEPTEMBER 15, 2010, AND FEBRUARY 23, 2011.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the minutes of the Tree Advisory Board meeting dated May 6, 2010, the Parks Advisory Board meetings dated September 15, 2010, and February 23, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

### **REGULAR AGENDA**

ITEM 5C APPROVE THE CLOSURE OF "C" STREET FROM NORRIS AVENUE TO EAST 1<sup>ST</sup> STREET FOR AN ANTIQUE TRACTOR DISPLAY HOSTED BY THE MCCOOK ART GUILD FOR HERITAGE DAYS ON SEPTEMBER 24, 2011 FROM 9:00 A.M. TO 2:00 P.M.

Councilmember Calvin introduced a motion to approve the closure of "C" Street from Norris Avenue to East 1<sup>st</sup> Street for an antique tractor display hosted by the McCook Art Guild for Heritage Days on September 24, 2011 from 9:00 A.M. to 2:00 P.M. Councilmember Hilker seconded the motion.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to amend the time to "10:00 A.M. to 4:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The Mayor then stated the question: "Shall the motion on the floor be approved as amended?' Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried.

ITEM 51      RECEIVE AND FILE INFORMATION ON THE WATER TREATMENT PLANT, CLASS 1 INJECTION WELL AND WATER WELLS DURING THE FIRST FIVE YEARS OF OPERATION.

Utilities Director Jesse Dutcher gave a review of the Water Treatment Plant, the Class 1 Injection Well, and the new water wells during their first five years of operation.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to receive and file information on the Water Treatment Plant, Class 1 Injection Well and Water Wells during the first five years of operation. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (6)      CONFIRM THAT THE CITY OF MCCOOK IS WILLING TO WORK WITH THE RED WILLOW COUNTY COMMISSIONERS REGARDING POSSIBLE LOCATION OF COUNTY DETENTION FACILITIES ON THE CURRENT CITY JAIL SITE AND TO DEVELOP A FORMAL AGREEMENT ONCE RED WILLOW COUNTY COMMISSIONERS HAVE FORMALLY CHOSEN AN OPTION AND SITE FOR DETENTION FACILITIES.

Red Willow County Commissioner Earl McNutt thanked the Council for pledging their support at a previous meeting for the County to use the existing Public Safety Center holding facility and requested their formal approval of such use.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to confirm that the City of McCook is willing to work with the Red Willow County Commissioners regarding possible location of county detention facilities on the current city jail site and to develop a formal agreement once Red Willow County Commissioners have formally chosen an option and site for detention facilities. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (7)      CONSIDER CONVEYING CITY OWNED PROPERTY AT 301 EAST 2<sup>ND</sup> STREET TO THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION AS A DONATION AND DIRECT STAFF TO DRAFT A CONTRACT TO DONATE SUCH PROPERTY TO THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION FOR THE PURPOSE OF DEVELOPMENT AND RETURN TO THE CITY COUNCIL FOR APPROVAL.

Mary Kircher, Housing Development Director for the McCook Economic Development Corporation, stated that they intend to move a home from 516 Norris Avenue that is to be donated by Red Willow County to this lot.

Bill Matson informed the Council that he owned the lot directly to the north and that he was interested in buying the lot for an addition to his home and a garage.

It was the consensus of the Council to have a lot line adjustment completed to ensure that the MEDC would have the required minimum lot size and would allow for a portion to be sold to Mr. Matson. The portion sold to Mr. Matson could be at a prorated amount of the original asking price of \$10,000.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker the Council voted to proceed with the conveyance of the required lot size of the city owned property at 301 East 2<sup>nd</sup> Street to the McCook Economic Development Corporation as a donation and direct staff to draft a

contract to donate such property to the McCook Economic Development Corporation for the purpose of development and return to the City Council for approval. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(8) MUNICIPAL FACILITIES UPDATE.

City Manager Fritsch stated that four firms will be interviewed for the Construction Manager at Risk for the new municipal facility this Wednesday. The Selection Committee recommendation will be forwarded to the Council for their approval at the special meeting to be held this next Monday.

(9) COUNCIL COMMENTS.

Councilmember Calvin acknowledged our wonderful group dispatchers during this upcoming week designated as Telecommunicators Week in their honor. They are phenomenal people, thank god that we have them.

Councilmember Gonzales thanked the Water Department for working on Sunday to repair a leaking water service line at the corner of Norris Avenue and "C" Street. They worked on Sunday to avoid heavy traffic and disruption of service to downtown businesses.

(10) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:13 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer