

MCCOOK CITY COUNCIL
May 2, 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 April 28, 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 - LANCE CLAY, UNITED METHODIST CHURCH.

Lance Clay, pastor of the Untied Methodist 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) PUBLIC HEARINGS:

ITEM A Conduct a public hearing on the application of Loop Brewing Company, LLC; dba "Loop Brewing Company", for Class "I" License #93350 - (Beer, Wine & Distilled Spirits, On Sale Only) and Class "L" License #93351 - (Craft Brewery - Brew Pub) under the Nebraska Liquor Control Commission, to be located at 404 West "A" Street, McCook, Nebraska.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the application of Loop Brewing Company, LLC; dba "Loop Brewing Company", for Class "I" License #93350 - (Beer, Wine & Distilled Spirits, On Sale Only) and Class "L" License #93351 - (Craft Brewery - Brew Pub) under the Nebraska Liquor Control Commission, to be located at 404 West "A" Street, McCook, Nebraska with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher,

Calvin, Hilker. NAY: None.

The City Attorney noted that the hearings for the Class "I" License and the Class "L" License will be held together and offered and received into evidence Exhibit #1 - Notice of Hearing published for the Class "I" License; Exhibit #2 - Notice of Hearing published for the Class "L" License; and Exhibit #3 - the Liquor License Application, Police Report, and Building Report, 1 - 77 pages.

Tyler Loop, applicant, was present to address any questions from the Council.

Mr. Loop stated that the Class "L" License allows for them to sell the beer that they make on-sale, off-sale, and wholesale.

There being no one else present to comment, upon a motion by Councilmember Gonzales, seconded by Councilmember Hilker, the Council voted to adjourn the public hearing and to reconvene as a City Council. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF LOOP BREWING COMPANY, LLC; DBA "LOOP BREWING COMPANY", FOR CLASS "I" LICENSE #93350 - (BEER, WINE & DISTILLED SPIRITS, ON SALE ONLY) UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT 404 WEST "A" STREET, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Loop Brewing Company, LLC; dba "Loop Brewing Company", for Class "I" License #93350 - (Beer, Wine & Distilled Spirits, On Sale Only) under the Nebraska Liquor Control Commission, to be located at 404 West "A" Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION OF LOOP BREWING COMPANY, LLC; DBA "LOOP BREWING COMPANY", FOR CLASS "L" LICENSE #93351 - (CRAFT BREWERY - BREW PUB) UNDER THE NEBRASKA LIQUOR CONTROL COMMISSION, TO BE LOCATED AT 404 WEST "A" STREET, MCCOOK, NEBRASKA.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to recommend approval to the Nebraska Liquor Control Commission the application of Loop Brewing Company, LLC; dba "Loop Brewing Company", for Class "L" License #93351 - (Craft Brewery - Brew Pub) under the Nebraska Liquor Control Commission, to be located at 404 West "A" Street, McCook, Nebraska. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(5) PROCLAMATIONS:

ITEM A APPROVE PROCLAMATION DESIGNATING MAY 15, 2011 AS "POLICE OFFICERS MEMORIAL DAY" AND THE WEEK OF MAY 15 - 21, 2011 AS "NATIONAL POLICE WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted

to approve proclamation designating May 15, 2011 as “Police Officers Memorial Day” and the week of May 15 - 21, 2011 as “National Police 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 APPROVE THE PROCLAMATION DESIGNATING THE WEEK BEGINNING ON MOTHER’S DAY, MAY 8 THROUGH MAY 14, 2011 AS “NURSING HOME WEEK” IN THE CITY OF MCCOOK AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to approve the proclamation designating the week beginning on Mother’s Day, May 8 through May 14, 2011 as “Nursing Home Week” in the City of McCook and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(6) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE APRIL 18, 2011 REGULAR CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the minutes of the April 18, 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 RENEWAL OF THE ENCROACHMENT AGREEMENT WITH COASTAL MART, INC. FOR THE PURPOSE OF INSTALLING GROUNDWATER MONITORING WELLS NEAR 707 WEST “B” STREET IN THE CITY OF MCCOOK RIGHT-OF-WAY AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the renewal of the Encroachment Agreement with Coastal Mart, Inc. for the purpose of installing groundwater monitoring wells near 707 West “B” Street in the City of McCook Right-of-way and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C APPROVE THE PLANS AND SPECIFICATIONS FOR THE 2011 ARMOR COATING AND SET THE TIME AND DATE TO RECEIVE BIDS AS 2:30 P.M. ON MAY 24, 2011.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the plans and specifications for the 2011 Armor Coating and set the time and date to receive bids as 2:30 P.M. on May 24, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D RECEIVE AND FILE THE PROPOSED BUDGET CALENDAR FOR FY 2011/2012.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to receive and file the Proposed Budget Calendar for FY 2011/2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM F APPROVE THE REQUEST FROM COMMUNITY HOSPITAL TO USE KELLEY PARK ON JUNE 11, 2011 FROM 6:00 A.M. TO 1:00 P.M., INCLUDING THE SET UP OF A WATER SLIDE.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the request from Community Hospital to use Kelley Park on June 11, 2011 from 6:00 A.M. to 1:00 P.M., including the set up of a water slide. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM G APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY TRAPPER'S BAR AND GRILL, LLC - LICENSE #ID-88760 FOR A WEDDING RECEPTION TO BE HELD AT THE MCCOOK CITY AUDITORIUM, 302 WEST 5TH STREET, ON JUNE 18, 2011 FROM 3:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the application for a Special Designated Liquor License submitted by Trapper's Bar and Grill, LLC - License #ID-88760 for a wedding reception to be held at the McCook City Auditorium, 302 West 5th Street, on June 18, 2011 from 3:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM H APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY A & N RESTAURANT, LLC - LICENSE #I-88659 FOR A RECEPTION TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS COMMUNITY BUILDING, 1408 WEST 5TH STREET, ON MAY 28, 2011 FROM 5:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to approve the application for a Special Designated Liquor License submitted by A & N Restaurant, LLC - License #I-88659 for a reception to be held at the Red Willow County Fairgrounds Community Building, 1408 West 5th Street, on May 28, 2011 from 5:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM I RECEIVE AND FILE THE MINUTES OF THE ECONOMIC DEVELOPMENT PLAN CITIZEN'S ADVISORY REVIEW COMMITTEE DATED JANUARY 24, 2011, THE LIBRARY ADVISORY BOARD DATED MARCH 9, 2011, AND THE SENIOR CENTER ADVISORY BOARD DATED APRIL 5, 2011.

Upon a motion by Mayor Berry, seconded by Councilmember Hilker, the Council voted to receive and file the minutes of the Economic Development Plan Citizen's Advisory Review Committee dated January 24, 2011, the Library Advisory Board dated March 9, 2011, and the Senior Center Advisory Board dated April 5, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

REGULAR AGENDA

ITEM 6E APPROVE THE CONSULTING CONTRACT WITH W DESIGN ASSOCIATES FOR DESIGN AND CONSULTING ENGINEER SERVICES FOR CONSTRUCTION OF A WILDLIFE FENCE AT MCCOOK BEN NELSON REGIONAL AIRPORT, AIRPORT IMPROVEMENT PROGRAM (AIP) PROJECT NO. 3-31-0052-11, AS REQUIRED BY THE FEDERAL AVIATION AUTHORITY.

Councilmember Kircher noted that the required fence is now twelve feet high, with barbed wire at the top, and goes four feet underground.

David Wilson, of W Design Associates, stated that the results of the Wildlife Study at the airport mandated an increase in height.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to approve the consulting contract with W Design Associates for design and consulting engineer services for construction of a Wildlife Fence at McCook Ben Nelson Regional Airport, Airport Improvement Program (AIP) Project No. 3-31-0052-11, as required by the Federal Aviation Authority. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(7) APPROVE UPON ITS SECOND READING ORDINANCE NO. 2011-2855 PROVIDING FOR THE REVISION OF THE CODE OF ORDINANCES OF THE CITY OF MCCOOK, NEBRASKA, TO REPEAL PRIOR ORDINANCES, TO REQUIRE FILING, AND TO PROVIDE FOR AN EFFECTIVE DATE.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve Ordinance No. 2011-2855 providing for the revision of the Code of Ordinances of the City of McCook, Nebraska, to repeal prior ordinances, to require filing, and to provide for an effective date upon its second reading. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(8) INTRODUCE AND APPROVE UPON ITS FIRST READING ORDINANCE NO. 2011-2856 AUTHORIZING THE SALE AND CONVEYANCE OF REAL ESTATE OWNED BY THE CITY OF MCCOOK IN REPLATTED LOT NINE (9), ORIGINAL TOWN ADDITION TO AUGUST M. JONES.

Councilmember Kircher introduced Ordinance No. 2011-2856 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO AUGUST M. JONES; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE AND CONVEYANCE AND THE TERMS THEREOF; TO PROVIDE FOR THE RIGHT TO FILE A REMONSTRANCE AGAINST THE CONVEYANCE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL AND EFFECTIVE DATE OF THIS ORDINANCE.

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

Ordinance No. 2011-2856 was read by title only. Motion was made by Councilmember Kircher,

seconded by Councilmember Calvin, to approve Ordinance No. 2011-2856 on its first reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2011-2856 approved on its first reading.

(9) APPROVE THE CONTRACT BETWEEN THE CITY AND SAMPSON CONSTRUCTION FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MUNICIPAL FACILITIES PROJECT.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to approve the contract between the City and Sampson Construction for Construction Management Services for the Municipal Facilities project. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(10) COUNCIL COMMENTS.

Mayor Berry noted that it was a good weekend in McCook with McCook Community College holding their groundbreaking ceremony for the Event Center and the State High School Rodeo was held at the Kiplinger arena.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 7:50 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer