

MCCOOK CITY COUNCIL  
June 20, 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 (arrived at 7:50 P.M.), Kircher, Calvin, Hilker; City Attorney Schneider; Interim City Manager Potthoff; Interim City Manager/City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 16, 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 - MARY HENDRICKS, ST. ALBAN'S EPISCOPAL CHURCH.

No one 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 Kircher requested that Item D and Item H be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE JUNE 6, 2011 REGULAR CITY COUNCIL MEETING AND THE JUNE 13, 2011 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the minutes of the June 6, 2011 regular City Council meeting and the June 13, 2011 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM B Adopt Resolution No. 2011-09 approving the agreement between the Nebraska

Department of Roads and the City of McCook for Project No. URB-6158(1), State Control No. 71151, East 7<sup>th</sup>/Seminole, East “H” Street to Park Avenue.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-09 approving the agreement between the Nebraska Department of Roads and the City of McCook for Project No. URB-6158(1), State Control No. 71151, East 7<sup>th</sup>/Seminole, East “H” Street to Park Avenue. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM C APPROVE THE CLOSURE OF THE ALLEY BETWEEN NORRIS AVENUE AND WEST FIRST STREET FROM WEST “C” STREET SOUTH TO THE MCCOOK NATIONAL BANK PARKING LOT ON JUNE 22, 2011 FROM NOON TO 7:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the closure of the alley between Norris Avenue and West First Street from West “C” Street South to the McCook National Bank parking lot on June 22, 2011 from noon to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM E APPOINT LEA ANN DOAK AS BOARD MEMBER TO REPRESENT THE CITY ON THE REWARD BOARD OF DIRECTORS.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to appoint Lea Ann Doak as Board Member to represent the City on the REWARD Board of Directors. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM F APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO.: ARRA-M731(0V29).

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve and authorize the Mayor to sign the agreement between the City of McCook and the State of Nebraska Department of Roads for Project No.: ARRA-M731(0V29). The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM G APPROVE THE APPLICATION TO OCCUPY THE RIGHT-OF-WAY AND LETTER OF AGREEMENT FOR PINPOINT COMMUNICATIONS, INC. TO OCCUPY THE RIGHT-OF-WAY FOR THE INSTALLATION OF UNDERGROUND TELEPHONE LINES AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application to Occupy the Right-of-Way and Letter of Agreement for Pinpoint Communications, Inc. to occupy the right-of-way for the installation of underground telephone lines and authorize the Mayor to sign the agreement. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM I APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY SCHMICK’S MARKET, INC., LICENSE #ID-84561, FOR A BEER GARDEN IN CONJUNCTION WITH A CONCERT TO BE HELD

AT THEIR LOCATION, 212 WESTVIEW PLAZA (PARKING LOT), ON JULY 16, 2011 FROM 5:00 P.M. TO 11:59 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Schmick's Market, Inc., License #ID-84561, for a Beer Garden in conjunction with a concert to be held at their location, 212 Westview Plaza (parking lot), on July 16, 2011 from 5:00 P.M. to 11:59 P.M. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM J RECEIVE AND FILE THE MINUTES OF THE PARKS ADVISORY BOARD MEETING DATED MARCH 24, 2011.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the Parks Advisory Board meeting dated March 24, 2011. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM K ADOPT RESOLUTION NO. 2011-10 DESIGNATING THE REPRESENTATIVES OF THE CITY OF MCCOOK TO THE PUBLIC ALLIANCE FOR COMMUNITY ENERGY (ACE) BOARD OF DIRECTORS.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-10 designating the representatives of the City of McCook to the Public Alliance for Community Energy (ACE) Board of Directors. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

### **REGULAR AGENDA**

ITEM 4D RECEIVE AND FILE CHANGE ORDER NO. 3 IN THE AMOUNT OF \$10,293.65 FOR THE NORRIS PARK BANDSHELL RESTORATION PROJECT ALLOWING FOR IMPROVEMENTS TO THE ROOF.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to receive and file Change Order No. 3 in the amount of \$10,293.65 for the Norris Park Bandshell Restoration Project allowing for improvements to the roof. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

ITEM 4H APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CITY OF MCCOOK AND MCCOOKNET INC., D/B/A MCCOOKNET INTERNET SERVICES AMENDED LEASE AGREEMENT.

Councilmember Kircher introduced a motion to approve and authorize the Mayor to sign the City of McCook and McCookNet Inc., d/b/a McCookNet Internet Services Amended Lease Agreement. Councilmember Hilker seconded the motion.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to approve the Lease Agreement subject to approval of a legal document providing for the release from McCookNet Inc. of the City of McCook domain name. The motion passed upon the following roll call vote: YEA: Berry, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales.

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, Kircher, Calvin, Hilker. NAY: None. ABSENT: Gonzales. Motion carried.

(5) MUNICIPAL FACILITIES UPDATE.

Representatives from Prochaska and Associates, Curt Field, Project Manager, and Jim Classe, Project Designer and Craig Gies, Vice President of Sampson Construction and Construction Manager were present for a review of the project to date.

Mr. Field gave a review of the project to date and informed the Council that original estimates by the Construction Manager indicated that the project could be done within budget, but an error in calculation of the area caused the existing plan to come in over budget. Staff has considered many items for reduction of construction costs, including the elimination of the basement. With the various cuts made, we are close to being back on track with the budget and still maintain a good project.

Mr. Classe reviewed the project since the beginning which was for a building to be constructed mainly from brick. With the reduction in budget the design then moved to a pre-engineered building with some brick facing, a hybrid building.

Mr. Gies stated that with the revised layouts and the elimination of the basement, we are close to the target \$4.6 allotted for construction and he was open to any questions from the Council.

Councilmembers expressed concerns with the elimination of the basement in regards to the loss of storage space for the Police Department and the loss of a storm shelter area for the facility. They also expressed concern with straying from what was presented to the voters.

Mayor Berry stated that he understood the need for cuts to construction costs and inquired if the design fees were cut as well.

Mr. Field stated that the Construction Manager at Risk process being used addresses these issues during the plan and design phase, rather than when it is too late after the project has been bid. Ongoing changes to the construction plans are being made as more detailed pricing becomes available.

The Council directed that the project continue to move forward and requested that they be kept up-to-date of the progress made.

(6) DECLARE THE PROPERTIES LOCATED AT 107 SOUTH 7<sup>TH</sup> STREET, 202 SOUTH STREET, AND WILLOW GROVE PRECINCT 30-3-29 PT SW/4SE .70 ACRE, RED WILLOW COUNTY, NEBRASKA AS NUISANCE PROPERTIES IN NEED OF ABATEMENT, AS RECOMMENDED BY THE MCCOOK BOARD OF HEALTH ON MAY 12, 2011 AND DIRECT STAFF TO ABATE THE NUISANCE ISSUES IN THE EVENT THE NUISANCE ISSUES HAVE NOT BEEN ABATED.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to declare the properties located at 107 South 7<sup>th</sup> Street, 202 South Street, and Willow Grove Precinct 30-3-29 PT SW/4SE .70 Acre, Red Willow County, Nebraska as nuisance properties in need of abatement, as recommended by the McCook Board of Health on May 12, 2011, and direct staff to abate the nuisance issues in the event the nuisance issues are not abated. The motion passed upon the

following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(7) COUNCIL COMMENTS.

There were no Council comments.

(8) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:10 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer