

MCCOOK CITY COUNCIL
July 18, 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; Interim City Manager Potthoff; Interim City Manager/City Clerk-Treasurer Doak.

Absent: Mayor Berry.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 14, 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 - BRIAN BOWMAN, FIRST NAZARENE CHURCH.

No one was present for the invocation.

- (2) CITIZEN'S FORUM.

Tim Monzon, owner of property along South Street, inquired about the possibility of a sidewalk be installed from north of the railroad tracks to Barnett Park, either along South Street or along Highway 83.

- (3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

- (4) PUBLIC HEARING:

ITEM A CONDUCT A PUBLIC HEARING IN REGARD TO NEIGHBORHOOD STABILIZATION PROGRAM 1 (NSP1) FUNDS RECEIVED BY THE CITY OF MCCOOK IN AUGUST 2009 FOR THE DEMOLITION OF BLIGHTED STRUCTURES WITHIN THE CITY.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment in regard to Neighborhood Stabilization Program 1 (NSP1) Funds received by the City of McCook in August 2009 for the demolition of blighted structures within the City with the City

Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published. He stated that the hearing was required by NDED for all NSP 1 projects for the purpose of discussing the Project Budget, the number of properties demolished with the funds, and to listen to and address any public comments regarding the grant project.

Candy Kuntz, Grant Administrator, addressed the Council regarding the NSP1 funds received by the City on August 24, 2009 for demolition of blighted structures throughout the City. The City was originally awarded \$629,700 for Clearance/Demolition and General Administration. The City was not required to match any funds. Funds were deobligated from the NSP1 project in August 2010 due to all funds not being under contract since project bids came in less than anticipated. At that time, the Total Project Costs were decreased from \$605,500 to \$546,800. In April 2011, DED and the City agreed to amend the Grant Contract in order to increase the General Administration funds from \$24,200 to \$39,375 due to the recordation information required for the West Ward School Building. No persons were displaced as a result of the NSP1 assisted activities.

To date, there have been 25 addresses in which structures have been demolished. There are two additional addresses which are planned to be demolished prior to the end of the grant project, making a total of 27. The project will be complete by the contract end date which is August 24, 2011.

There being no one else present to comment, upon a motion by Mayor Berry, seconded by Councilmember Kircher, 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.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE JULY 5, 2011 REGULAR CITY COUNCIL MEETING AND THE JULY 11, 2011 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve the minutes of the July 5, 2011 regular City Council meeting and the July 11, 2011 special City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM B APPROVE THE PLANS AND SPECIFICATIONS FOR THE WILDLIFE FENCE AT THE AIRPORT CONTINGENT UPON FAA AND NDA APPROVAL AND AUTHORIZE THE STAFF TO ADVERTISE FOR BIDS.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve the Plans and Specifications for the Wildlife Fence at the Airport Contingent upon FAA and NDA approval and authorize the staff to advertise for bids. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM C APPROVE DRAWINGS AND SPECIFICATIONS FOR THE REBID OF WATER SYSTEM IMPROVEMENTS ON "C" STREET BETWEEN EAST 13TH STREET AND AIRPORT ROAD, CITY OFFICE SEWER RELOCATION, AND THE KELLEY PARK SEWER BYPASS LINE; AND SET DATE TO RECEIVE BIDS

FOR AUGUST 22, 2011 AT 2:00 P.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve drawings and specifications for the rebid of Water System Improvements on "C" Street between East 13th Street and Airport Road, City Office Sewer Relocation, and the Kelley Park Sewer Bypass Line; and set date to receive bids for August 22, 2011 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM D ADOPT RESOLUTION NO. 2011-11 ADOPTING THE REVISED FAMILY MEDICAL LEAVE POLICY FOR CITY EMPLOYEES; REVISING THE DEFINITION OF THE DESIGNATED 12 MONTH PERIOD FOR DETERMINATION OF THE LEAVE YEAR; AND, PROVIDING FOR AN EFFECTIVE DATE.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-11 adopting the Revised Family Medical Leave Policy for City Employees; revising the definition of the designated 12 month period for determination of the Leave Year; and, providing for an effective date. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

ITEM E RECEIVE AND FILE THE MINUTES OF THE JUNE 7, 2011 SENIOR CENTER ADVISORY BOARD MEETING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the June 7, 2011 Senior Center Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

REGULAR AGENDA

(6) APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2011-2860 AUTHORIZING THE SALE AND CONVEYANCE OF REAL ESTATE OWNED BY THE CITY OF MCCOOK IN REPLATTED LOT EIGHT A (8A), BLOCK 13, ORIGINAL TOWN ADDITION TO AUGUST M. JONES.

Councilmember Kircher introduced Ordinance No. 2011-2860 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: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry.

The motion was made by Councilmember Kircher that the statutory rule requiring reading on three different days be suspended. Councilmember Hilker seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Berry. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title only and thereafter Councilmember Kircher moved for final passage of the Ordinance, which was seconded by Councilmember Calvin. The Council Vice President then stated the question: "Shall Ordinance No. 2011-2860 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 all members of the Council, the Mayor declared the Ordinance adopted and the Mayor, in the presence of the Council, 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 Hilker, the Council voted to publish Ordinance No. 2011-2860, 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) MUNICIPAL FACILITIES UPDATE.

The Council set a special meeting for July 25, 2011 at 7:30 P.M. for further consideration of the facility. Staff continues to work with the architects and the Construction Manager and should have the Guaranteed Maximum Price from Sampson Construction for approval by the Council at that time.

(8) COUNCIL COMMENTS.

Councilmember Kircher inquired if all members had received his proposed ordinance in regard to establishing a City Policy to provide benefits to an unmarried partner of an eligible employee.

(9) ADJOURNMENT.

There being no further business to come before the Council, Council Vice President Gonzales declared the meeting adjourned at 7:45 P.M.

Mike Gonzales, Council Vice President

ATTEST:

Lea Ann Doak, City Clerk-Treasurer