

MCCOOK CITY COUNCIL
August 1, 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; Interim City Manager/City Clerk-Treasurer Doak.

Absent: Interim City Manager Potthoff.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on July 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.

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) APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF AUGUST 2011 AS "RANDOM ACTS OF KINDNESS MONTH" 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 month of August 2011 as "Random Acts of Kindness 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) ADVERTISED PUBLIC HEARINGS:

- ▶ FY 2011/2012 ANNUAL BUDGET

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 proposed FY 2011/2012 Annual Budget, 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 offered and received into evidence Exhibit #1 - Notice of Hearing published July 26, 2011.

There being no one else present to comment, upon a motion by Councilmember Hilker, 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.

- ▶ SET FINAL TAX REQUEST AT A DIFFERENT AMOUNT THAN THE PRIOR YEAR

Upon a motion by Councilmember Hilker, seconded by Councilmember Kircher, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on setting the Final Tax request at a different amount than the prior year, 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 offered and received into evidence Exhibit #1 - Notice of Hearing published July 26, 2011.

There being no one present to comment, upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, 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.

(6) INTRODUCE AND APPROVE ORDINANCE NO. 2011-2861 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2011/2012 UPON ITS FIRST READING.

Councilmember Gonzales introduced Ordinance No. 2011-2861 entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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. 2011-2861 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2011-2861 on its first reading.

Councilmember Kircher asked if staff had calculated what the cost difference would be between giving the regular employees the actual 1.6% COLA, instead of the 2% as included in the presented budget.

City Clerk Doak responded that the savings in the General Fund would be approximately \$5,250.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council

designated \$120,755.33 of the Uncommitted Sales Tax revenue to pay off the Water Land SRF, as recommended by the Financial Advisory. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The Mayor then stated the question: "Shall Ordinance No. 2011-2861 be approved as amended upon 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. 2011-2861 approved on its first reading.

(7) INTRODUCE AND APPROVE ORDINANCE NO. 2011-2862 PROVIDING FOR THE ADOPTION OF THE 2011/2012 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS FIRST READING.

Councilmember Gonzales introduced Ordinance No. 2011-2862 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA PROVIDING FOR THE ADOPTION OF THE 2011/2012 FISCAL YEAR EMPLOYEE CLASSIFICATION AND PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE FOR THE IMPLEMENTATION OF THE CLASSIFICATION AND PAY PLAN; REPEALING ANY AND ALL OTHER ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

The motion was made by Councilmember Hilker, 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. 2011-2862 was read by title only. Motion was made by Councilmember Calvin, seconded by Councilmember Hilker, to approve Ordinance No. 2011-2862 on its first reading.

Councilmember Kircher noted that the potential savings of \$5,000 by reducing the COLA for regular employees to the actual 1.6% could be used to fund the additional \$3,000 requested by the McCook Humane Society.

Councilmember Gonzales responded that he would rather that the \$5,000 went to our employees than the Humane Society. Mayor Berry and Councilmember Calvin were in agreement.

The Mayor then stated the question: "Shall Ordinance No. 2011-2862 be approved as amended upon 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. 2011-2862 approved on its first reading.

(8) APPROVE INCREASE OF RESTRICTED FUNDS LIMIT BY AN ADDITIONAL 1% FOR UNUSED RESTRICTED FUNDS AUTHORITY.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve the increase of Restricted Funds Limit by an additional 1% for Unused Restricted Funds Authority. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(9) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE JULY 18, 2011 REGULAR CITY COUNCIL

MEETING AND THE JULY 25, 2011 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to approve the minutes of the July 18, 2011 regular City Council meeting and the July 25, 2011 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B APPROVE THE ST. PATRICK CATHOLIC CHURCH REQUEST TO CLOSE EAST 4TH STREET FROM “F” TO “G” STREETS AND EAST “G” STREET FROM EAST 3RD TO EAST 4TH STREET ON SEPTEMBER 18, 2011 FROM 10:00 A.M. TO 6:00 P.M. AND TO UTILIZE CITY PROPERTY FOR THEIR ANNUAL FALL FESTIVAL.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to approve the St. Patrick Catholic Church request to close East 4th Street from “F” to “G” Streets and East “G” Street from East 3rd to East 4th Street on September 18, 2011 from 10:00 A.M. to 6:00 P.M. and to utilize city property for their Annual Fall Festival. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC, DBA “SEHNERT’S BAKERY AND BIEROC CAFÉ”, LICENSE #IK-57785, FOR A NET HUSKER DOCUMENTARY TO BE HELD AT THE FOX THEATER, 412 NORRIS AVENUE AND ADJACENT SOUTH PARKING LOT, ON SEPTEMBER 9, 2011 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough, LLC, dba “Sehnert’s Bakery and Bieroc Café”, License #IK-57785, for a NET Husker Documentary to be held at the Fox Theater, 412 Norris Avenue and adjacent south parking lot, on September 9, 2011 from 1:00 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 D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC, DBA “SEHNERT’S BAKERY AND BIEROC CAFÉ”, LICENSE #IK-57785, FOR A NET DOCUMENTARY RECEPTION TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON SEPTEMBER 10, 2011 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by Mo Dough, LLC, dba “Sehnert’s Bakery and Bieroc Café”, License #IK-57785, for a NET Documentary reception to be held at the Keystone Business Center, 402 Norris Avenue, on September 10, 2011 from 1:00 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 E RECEIVE AND FILE THE MINUTES OF THE JULY 5, 2011 SENIOR CENTER ADVISORY BOARD MEETING.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the July 5, 2011 Senior Center Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin,

Hilker. NAY: None.

ITEM F ADOPT RESOLUTION NO. 2011-12 APPROVING THE FEDERAL FUNDS PURCHASE PROGRAM AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ROADS AND THE CITY OF MCCOOK AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-12 approving the Federal Funds Purchase Program Agreement between the Nebraska Department of Roads and 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.

ITEM G ADOPT RESOLUTION NO. 2011-13 DESIGNATING LEA ANN DOAK AND KYLE POTTHOFF AS TRUSTEES OF THE CITY OF MCCOOK EMPLOYEE RETIREMENT PLAN AND RELIEVING KIM MCCONVILLE AND KURT FRITSCH OF THEIR DUTIES AS TRUSTEES OF THE CITY OF MCCOOK EMPLOYEE RETIREMENT PLAN.

Upon a motion by Councilmember Hilker, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-13 designating Lea Ann Doak and Kyle Potthoff as Trustees of the City of McCook Employee Retirement Plan and relieving Kim McConville and Kurt Fritsch of their duties as Trustees of the City of McCook Employee Retirement Plan. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

REGULAR AGENDA

(10) MUNICIPAL FACILITIES UPDATE.

Councilmember Gonzales informed the Council that Staff had a phone conference with Prochaska & Associates and Sampson Construction this afternoon. Civil is scheduled to be completed by September 1, with bid packages for grading, footings, and construction to follow after that completion. As we continue through the process, the phone conferences have been scheduled for every two weeks.

(11) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR THE PREVENTION OF NEEDLESS INJURY TO THE REPUTATION OF THE CITY MANAGER APPLICANTS AND SUCH APPLICANTS HAVE NOT REQUESTED A PUBLIC MEETING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to move into executive session at 7:50 P.M. for the prevention of needless injury to the reputation of the city manager applicants and such applicants have not requested a public meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Mayor Berry then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the prevention of needless injury to the reputation of the city manager applicants and such applicants have not requested a public meeting. The Council will reconvene in public session following this closed session.

City Attorney Schneider and City Clerk/Interim City Manager Doak stayed for the executive session.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to move out of executive session at 8:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(12) IDENTIFY CITY MANAGER APPLICANT EVALUATION PROCESS, GIVE DIRECTION TO CITY STAFF, AND AUTHORIZE THEM TO PROCEED.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council set a special meeting for August 8, 2011, at 7:00 P.M. for consideration of the city manager applicants in executive session. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council directed Staff to negotiate with Bill Podraza to provide city manager candidate evaluation and interview services for a fee not to exceed \$3,000. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(13) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR THE PROTECTION OF PUBLIC INTEREST FOR A STRATEGY SESSION WITH RESPECT TO COLLECTIVE BARGAINING – THE FRATERNAL ORDER OF POLICE LODGE 57.

Upon a motion by Mayor Berry, seconded by Councilmember Kircher, the Council voted to move into executive session at 8:32 P.M. for the protection of public interest for a strategy session with respect to collective bargaining – the Fraternal Order of Police Lodge 57. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

Mayor Berry stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the protection of public interest for a strategy session with respect to collective bargaining – the Fraternal Order of Police Lodge 57. The Council will reconvene in public session following this closed session.

City Attorney Schneider, Chief of Police Brown, and City Clerk/Interim City Manager Doak stayed for the executive session.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to move out of executive session at 9:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(14) COUNCIL COMMENTS.

There were no Council Comments.

(15) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:03 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer