

MCCOOK CITY COUNCIL  
August 15, 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 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 August 11, 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 - BRUCE LESTER - EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the Evangelical Free Church, was present for the invocation.

(2) CITIZEN'S FORUM.

Wayne Michaelis, taxpayer and citizen, expressed concerns with the removal of the basement from the new facility. He cautioned getting rid of too much and ending up with an inferior product. He asked what pay and merit raises were included in the proposed budget and encouraged the Council to use sales tax dollars for debt payments instead of increasing the water and sewer rates.

Gene Morris, 205 Apache, stated that he has issues with runoff from the unpaved alley across the street coming directly into his driveway. He suggested that dollars could be saved if the Council and City Staff were to perform internal audits and take a look at where money is being spent.

Jerie Quinty encouraged the Council to pay down the water and sewer debt aggressively, to discontinue the use of tax dollars for support of the McCook Economic Development Corporation, not to take Federal grants, proposed a hiring freeze, and spoke against the proposed ordinance providing benefits to unmarried partners of city employees.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

(4) CONSENT AGENDA:

Councilmember Kircher requested that Item D be removed from the Consent Agenda and placed on

the Regular Agenda.

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

ITEM A APPROVE THE MINUTES OF THE AUGUST 1, 2011 REGULAR CITY COUNCIL MEETING AND THE AUGUST 8, 2011 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the August 1, 2011 regular City Council meeting and the August 8, 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 APPLICATION FOR INTERCITY BUS ASSISTANCE FOR DASHABOUT SHUTTLE AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the Application for Intercity Bus Assistance for Dashabout Shuttle 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 AND ACCEPT THE GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT IMPROVEMENT PROJECT NO. 3-31-0052-13 IN THE AMOUNT OF \$20,615.00 FOR THE ACQUISITION OF AVIGATIONAL EASEMENTS AT MCCOOK BEN NELSON REGIONAL AIRPORT AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve and accept the grant offer from the Federal Aviation Administration for Airport Improvement Project No. 3-31-0052-13 in the amount of \$20,615.00 for the acquisition of avigational easements at McCook Ben Nelson Regional Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E ADOPT THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR MCCOOK BEN NELSON REGIONAL AIRPORT AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt the Disadvantaged Business Enterprise (DBE) Program for McCook Ben Nelson Regional Airport and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM F APPROVE THE REQUEST FOR PROPOSALS FOR ENGINEERING CONSULTING SERVICES FOR PROJECT NO. URB-6158(1) CN-71151 EAST 7<sup>TH</sup>/SEMINOLE FROM EAST "H" STREET TO PARK AVENUE AND SET THE DEADLINE TO RECEIVE THEM AS 4:00 P.M. ON SEPTEMBER 8, 2011.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the Request for Proposals for Engineering Consulting Services for Project No. URB-6158(1) CN-71151 East 7<sup>th</sup>/Seminole from East "H" Street to Park Avenue and set the

deadline to receive them as 4:00 P.M. on September 8, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM G APPROVE THE APPOINTMENT OF PUBLIC WORKS DIRECTOR KYLE POTTHOFF, CITY CLERK LEA ANN DOAK, PUBLIC WORKS SUPERVISOR DOB NEUHAUS, IN ADDITION TO ONE OR TWO MEMBERS OF THE CITY COUNCIL, TO THE SELECTION BOARD FOR ENGINEERING CONSULTING SERVICES FOR PROJECT NO. URB-6158(1), CN-71151, EAST 7<sup>TH</sup>/SEMINOLE FROM EAST "H" STREET TO PARK AVENUE.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the appointment of Public Works Director Kyle Potthoff, City Clerk Lea Ann Doak, Public Works Supervisor Dob Neuhaus, in addition to one or two members of the City Council, to the Selection Board for Engineering Consulting Services for Project No. URB-6158(1), CN-71151, East 7<sup>th</sup>/Seminole from East "H" Street to Park Avenue. 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 JUSTIN J. BILBY, ROCK N HORSE LOUNGE, LICENSE #CK-77614, FOR THE FARM & RANCH EXPO TO BE HELD AT THE KIPLINGER ARENA, 1408 WEST 5<sup>TH</sup> STREET, ON NOVEMBER 16, 2011 FROM 9:00 A.M. TO 1:00 A.M. AND NOVEMBER 17, 2011 FROM 9:00 A.M. TO 10:00 P.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 Justin J. Bilby, Rock N Horse Lounge, License #CK-77614, for the Farm & Ranch Expo to be held at the Kiplinger Arena, 1408 West 5<sup>th</sup> Street, on November 16, 2011 from 9:00 A.M. to 1:00 A.M. and November 17, 2011 from 9:00 A.M. to 10:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM I APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR THE HERITAGE DAYS MIXER TO BE HELD AT MCCOOK NATIONAL BANK, 220 NORRIS AVENUE, ON WEDNESDAY, SEPTEMBER 21, 2011 FROM 5:30 P.M. TO 7:30 P.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 the McCook Area Chamber of Commerce for the Heritage Days mixer to be held at McCook National Bank, 220 Norris Avenue, on Wednesday, September 21, 2011 from 5:30 P.M. to 7:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM K ADOPT RESOLUTION NO. 2011-14 PROVIDING FOR THE ADOPTION OF AMENDMENT AND RESTATEMENT OF THE CITY OF MCCOOK FIREFIGHTERS PENSION PLAN AND TRUST, THE AMENDMENT AND RESTATEMENT OF THE CITY OF MCCOOK POLICE RETIREMENT PLAN AND TRUST, AND AUTHORIZING THE APPROPRIATE OFFICIALS TO DO ALL THINGS NECESSARY TO ACCOMPLISH AND MAINTAIN QUALIFICATION OF SAID PLANS UNDER SECTION 401(A) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2011-14 providing for the adoption of Amendment and Restatement of the City of McCook Firefighters Pension Plan and Trust, the Amendment and Restatement of the City of McCook Police Retirement Plan and Trust, and authorizing the appropriate officials to do all things necessary to accomplish and maintain qualification of said plans under Section 401(a) of the Internal Revenue Code of 1986, as amended. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM L OFFER A CONTRACT TO INTERSTATE IRRIGATION WITH A BID OF \$105,455.00 AS THE LOWEST RESPONSIBLE BIDDER FOR FURNISHING AND INSTALLING WATER SYSTEM IMPROVEMENTS ON EAST "C" STREET BETWEEN EAST 13<sup>TH</sup> STREET AND AIRPORT ROAD, RELOCATION OF SANITARY SEWER MAIN FOR THE NEW MUNICIPAL FACILITIES, AND AN ADDITION OF 8" SANITARY SEWER BYPASS LINE AT KELLEY PARK AND AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY PAPER WORK TO AWARD THE CONTRACT.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to offer a contract to Interstate Irrigation with a bid of \$105,455.00 as the lowest responsible bidder for furnishing and installing Water System Improvements on East "C" Street between East 13<sup>th</sup> Street and Airport Road, relocation of Sanitary Sewer Main for the New Municipal Facilities, and an addition of 8" Sanitary Sewer Bypass line at Kelley Park and authorize the Mayor to execute the necessary paper work to award the contract. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

### REGULAR AGENDA

ITEM 4D AUTHORIZE STAFF TO ACCEPT THE GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 3-31-0052-12 FOR THE INSTALLATION OF A WILDLIFE FENCE AT MCCOOK BEN NELSON REGIONAL AIRPORT, WHEN IT BECOMES AVAILABLE, AND AUTHORIZE THE MAYOR TO SIGN.

Councilmember Kircher introduced a motion to authorize staff to accept the grant offer from the Federal Aviation Administration for Project No. 3-31-0052-12 for the installation of a Wildlife Fence at McCook Ben Nelson Regional Airport, when it becomes available, and authorize the Mayor to sign. Councilmember Calvin seconded the motion.

Wayne Michaelis questioned why we were doing this when McCook will be losing Essential Air Service in the very near future.

Public Works Director Potthoff stated that the need for the fencing was the result of a wildlife assessment. The original fence proposed by the FAA was 12 feet in height, with three strands of barbed wire at the top and extended 4 feet below the ground. Through work of City Staff and our National representatives, the current proposal is for a fence 8 feet in height.

A motion was made by Councilmember Kircher and seconded by Councilmember Hilker to postpone consideration of this item. Councilmember Hilker removed his second.

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

to amend by adding “and contingent upon review and approval of the City Attorney. 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 4J APPROVE THE MCCOOK AREA CHAMBER OF COMMERCE HERITAGE DAYS REQUEST FOR THE USE OF NORRIS PARK FOR THEIR ARTS & CRAFTS SHOW AND THE BANDSHELL FOR ENTERTAINMENT ON SEPTEMBER 24 - 25, 2011; FOR THE CLOSING OF NORRIS AVENUE FROM “G” STREET TO “H” STREET AFTER THE PARADE ON SATURDAY, THE 700 BLOCK OF EAST 1<sup>ST</sup>, THE 100 BLOCK OF EAST “G”, THE 100 BLOCK OF EAST “H” STREETS FROM 5:00 A.M. SEPTEMBER 24, 2011 UNTIL THE EVENING ON SUNDAY, SEPTEMBER 25, 2011 AND THE 100 BLOCK OF WEST “G” STREET PRIOR TO THE PARADE; TO ALLOW OVERNIGHT PARKING FOR VENDORS AROUND NORRIS PARK; TO CONDUCT THEIR PARADE ON PUBLIC STREETS ON SEPTEMBER 24, 2011; THE USE OF CITY STREETS AROUND NORRIS PARK FROM THE CONCLUSION OF THE PARADE UNTIL 4:00 P.M. ON SATURDAY, SEPTEMBER 24, 2011 FOR A CAR SHOW; IN ADDITION THE CHAMBER WOULD LIKE TO RESERVE THE RIGHT TO CLOSE OFF EAST 1<sup>ST</sup> STREET FROM EAST “H” STREET TO EAST “I” STREET IN CASE IT IS NEEDED FOR THE CAR SHOW.

Councilmember Calvin introduced a motion to approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for their Arts & Crafts Show and the bandshell for entertainment on September 24 - 25, 2011; for the closing of Norris Avenue from “G” Street to “H” Street after the parade on Saturday, the 700 block of East 1<sup>st</sup>, the 100 block of East “G”, the 100 block of East “H” Streets from 5:00 A.M. September 24, 2011 until the evening on Sunday, September 25, 2011 and the 100 block of West “G” street prior to the parade; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 24, 2011; the use of City Streets around Norris Park from the conclusion of the parade until 4:00 P.M. on Saturday, September 24, 2011 for a Car Show; in addition the Chamber would like to reserve the right to close off East 1<sup>st</sup> street from East “H” street to East “I” street in case it is needed for the car show. Councilmember Hilker seconded the motion.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to amend by including “reserve the right to close the 200 Block of East “H” Street if needed.” 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.

(5) INTRODUCE AND APPROVE ORDINANCE NO. 2011-2865, PRESENTED AND PREPARED BY COUNCILMEMBER KIRCHER, ESTABLISHING A POLICY PROVIDING BENEFITS TO AN UNMARRIED PARTNER OF AN ELIGIBLE EMPLOYEE.

Councilmember Kircher moved to introduce Ordinance No. 2011-2865 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA ESTABLISHING THE POLICY OF THE CITY OF MCCOOK, NEBRASKA TO PROVIDE BENEFITS TO AN ELIGIBLE EMPLOYEE AND THE UNMARRIED PARTNER OF AN ELIGIBLE EMPLOYEE IN A MANNER SIMILAR TO THAT OF A MARRIED EMPLOYEE AND THEIR SPOUSE; TO PROVIDE FOR THE REPEAL OF ANY OTHER CONFLICTING ORDINANCES AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

Councilmember Hilker seconded the motion.

Mayor Berry encouraged the Council to vote no on moral, fiscal, and legal grounds.

City Attorney Schneider stated that only the title of the ordinance, as it relates to the content of the ordinance, is being considered at this time.

Councilmember Kircher spoke in support of his proposed ordinance to provide health insurance to unmarried domestic partners of City employees, stating that it would treat all employees equal at minimal cost to the City.

Councilmember Hilker stated that he was personally in favor of the proposal, but was elected to represent the people and as a result could not vote in favor of the ordinance.

Councilmember Gonzales noted that the State of Nebraska does not recognize Common Law or same sex marriages and did not see any reason to support the proposal, seeing no benefit to the City.

Jerie Quinty, John Berman, Don Klein, and Jerome Biegler spoke in opposition of the proposed ordinance.

The City Attorney again stated that only the title of the ordinance, as it relates to the content of the ordinance, is being considered at this time. Following the process, as established by previous Councils, the title of the ordinance must be approved before proceeding to not approving or approving the presented ordinance.

Councilmembers express concerns with the process and Mayor Berry directed staff to review the process for Council consideration at a future meeting.

The motion to introduce Ordinance No. 2011-2865 was approved upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

The motion was made by Councilmember Hilker, seconded by Councilmember Kircher, 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. 2011-2865 was read by title only. Motion was made by Councilmember Kircher to approve Ordinance No. 2011-2865 on its first reading. Motion died for lack of a second.

- (6) INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2011-2866 AUTHORIZING THE SALE AND CONVEYANCE OF REAL ESTATE OWNED BY THE CITY OF MCCOOK DESCRIBED AS LOT SEVEN A, BLOCK 13, ORIGINAL TOWN OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION.

Councilmember Gonzales introduced Ordinance No. 2011-2866 entitled:

AN ORDINANCE OF THE CITY OF MCCOOK, NEBRASKA, AUTHORIZING AND DIRECTING THE SALE AND CONVEYANCE OF REAL ESTATE HEREINAFTER DESCRIBED TO MCCOOK ECONOMIC DEVELOPMENT CORPORATION; 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 Gonzales, 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.

The motion was made by Councilmember Hilker that the statutory rule requiring reading on three different days be suspended. Councilmember Calvin seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Calvin, Hilker. NAY: Berry, Kircher, Gonzales. The motion to suspend the rule failed.

Ordinance No. 2011-2866 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Calvin, to approve Ordinance No. 2011-2866 on its first reading.

Councilmember Kircher introduced a motion to offer to the McCook Economic Development Corporation prepossession so they could move equipment or other possession onto the property. The motion failed upon the following roll call vote: YEA: None. NAY: Berry, Gonzales, Kircher, Calvin, Hilker.

Councilmember Gonzales raised a Point of Order stating that according to Robert's Rules of Order you are unable to vote against your own motion.

The roll call vote was amended to YEA: Kircher. NAY: Berry, Gonzales, Calvin, Hilker.

The Mayor then stated the question: "Shall Ordinance No. 2011-2866 be approved upon its first reading?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried.

(7) RECEIVE AND FILE THE ANNUAL CASHFLOW ANALYSES FOR THE WATER AND SEWER UTILITY FUND, AS PREPARED BY PUBLIC FINANCIAL MANAGEMENT, INC.

A telephone conference call with held with Jenny Blankenship, CPA for Public Financial Management (PFM) for review of the cashflow analyses for the Water and Sewer Utility funds. Some of the key points were the Debt Coverage Ratios, the Ending Cash Balance, Cash Balance as % of O & M and Net Operating Income. Their recommendation is for a Water rate increase of 3% and a Sewer rate increase of 5%. She presented scenarios for both of the proposed rate increases, what happens with no rate increases to both, and what effect a \$1 increase on the Base or Ready to Serve Fee has.

Upon a motion by Councilmember Hilker, seconded by Councilmember Gonzales, the Council voted to receive and file the Annual Cashflow Analyses for the Water and Sewer Utility Fund, as prepared by Public Financial Management, Inc. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(8) INTRODUCE AND APPROVE ON ITS FIRST READING ORDINANCE NO. 2011-2864 PROVIDING FOR THE AMENDMENT TO THE FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES.

Utilities Director Dutcher informed the Council that Staff is recommending a 5% rate increase in the Sewer Fund. For the average residential customer this would be approximately \$1.18 per month and for the average commercial customer approximately \$3.92 per month.

Councilmember Kircher introduced Ordinance No. 2011-2864 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES; OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2010-2840 AND ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE ENFORCED.

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. 2011-2864 was read by title only. Motion was made by Councilmember Kircher, seconded by Councilmember Hilker, to approve Ordinance No. 2011-2864 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. 2011-2864 approved on its first reading.

(9) INTRODUCE AND APPROVE ON ITS FIRST READING ORDINANCE NO. 2011-2863 PROVIDING FOR THE AMENDMENT TO THE FEE SCHEDULE - APPENDIX E, WATER DEPARTMENT RATES AND FEES, OF THE CITY OF MCCOOK CODE OF ORDINANCES.

Utilities Director Dutcher informed the Council that Staff is recommending a 3% rate increase in the Water Fund. For the average residential customer this would be an increase of approximately \$.84 for winter usage and \$1.47 per month for summer usage. For the average commercial customer this would be an increase of approximately \$1.61 per month for winter usage and \$2.71 per month for summer usage.

Councilmember Calvin introduced Ordinance No. 2011-2863 entitled:

AN ORDINANCE PROVIDING FOR THE AMENDMENT OF SECTION A OF THE FEE SCHEDULE - APPENDIX E OF THE CITY OF MCCOOK CODE OF ORDINANCES; PROVIDING FOR A RATE TO BE CHARGED FOR WATER BY THE MCCOOK WATER DEPARTMENT; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 2007-2799 AND ANY AND ALL 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 Kircher, 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. 2011-2863 was read by title only. Motion was made by Councilmember Hilker, seconded by Councilmember Kircher, to approve Ordinance No. 2011-2863 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. 2011-2863 approved on its first reading.

(10) APPROVE ORDINANCE NO. 2011-2861 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2011/2012 UPON ITS SECOND READING.

Councilmember Calvin introduced a motion to approve Ordinance No. 2011-2861 providing for the adoption of the budget for FY 2011/2012 upon its second reading. Councilmember Hilker seconded the motion.

The City Clerk informed the Council that the increase in the City's valuation will generate approximately \$8,875 in additional Ad Valorem Tax dollars.

Upon a motion by Councilmember Hilker, seconded by Councilmember Kircher, the Council voted increase the contribution to the McCook Humane Society by \$2,000. The motion passed upon the following roll call vote: YEA: Kircher, Calvin, Hilker. NAY: Berry, Gonzales.

The Mayor then stated the question: "Shall Ordinance No. 2011-2861 be approved upon its second reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. Motion carried.

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

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve Ordinance No. 2011-2862 providing for the adoption of the 2011/2012 Fiscal Year Employee Classification Pay Plan upon its second reading. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

(12) MUNICIPAL FACILITIES UPDATE.

Staff informed the Council that the civil should be completed by the first of September. Bid packages for the dirt work and steel building should also be completed September.

(15) COUNCIL COMMENTS.

With the consensus of the Council, Mayor Berry moved Council Comments before the proposed executive sessions.

Councilmember Hilker thanked those for coming out to the meeting tonight adding that he values their opinions.

Councilmember Kircher thanked all for coming to the meeting tonight.

Councilmember Gonzales complimented staff on all of their work cleaning up after the recent hail storm and thanked the Fire Department staff for their response to a recent structure fire. We do appreciate all that you do for the citizens of McCook.

In response to Ms. Quinty's suggestion that the City accept no federal grants, Mayor Berry stated that he understood her position that it is still taxpayers dollars. But, if the City did not accept those funds they would go to another community and he did not feel that would be the prudent thing to do for the City. We would not have gotten the fire truck if we refused those funds. The refurbishing of homes and demolition structures this past year was completed through the use of Community Development Block Grant for Neighborhood Stabilization, more federal dollars.

Mayor Berry noted that the taxpayers voted in the additional sales tax dollars for funding of economic development through the McCook Economic Development Corporation. The City has used sales tax dollars to pay down the water and sewer debt. The first payment for water debt was in the amount of \$1,000,000. Annually our audits indicate the City of McCook utilizes less property tax dollars per citizen than the average of other Nebraska first class cities.

- (13) 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 10:25 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, Co Interim City Manager Potthoff, and City Clerk/Interim City Manager Doak were included in the executive session.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Kircher, the Council voted to move out of executive session at 11:09 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (14) 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.

No executive session was held at this time with respect to the Collective Bargaining Unit for the Fraternal Order of Police Lodge #57.

- (16) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 11:12 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer