

MCCOOK CITY COUNCIL  
September 6, 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; City Attorney Schneider; Interim City Manager Potthoff; Interim City Manager/City Clerk-Treasurer Doak.

Absent: Councilmember Hilker.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on September 1, 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 - PASTOR MCCOOK HARVEST CHURCH.

Jon Albrect, pastor McCook Harvest 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) APPROVE THE PROCLAMATION DESIGNATING A NATIONAL MOMENT OF REMEMBRANCE AT 1:00 P.M. EASTERN DAYLIGHT TIME ON SEPTEMBER 11, 2011 AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the council voted to approve the proclamation designating a National Moment of Remembrance at 1:00 P.M. Eastern Daylight Time on September 11, 2011 and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

(5) PUBLIC HEARINGS:

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW STORAGE UNITS FOR STORAGE OF PERSONAL PROPERTY, BOATS, CAMPERS, AND RECREATIONAL VEHICLES IN AN AGRICULTURAL (AG)

DISTRICT, LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA; APPLICANT - STAK 'N STORE, LLC.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to recess as a City Council and convene a public hearing for the purpose of receiving public comment on the request for a special exception to allow storage units for storage of personal property, boats, campers, and recreational vehicles in an Agricultural (AG) District, located within the two mile extra-territorial jurisdiction of the City of McCook, Red Willow County, Nebraska; Applicant - Stak 'N Store, LLC. with the City Attorney to act as hearing officer. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

The City Attorney offered and received into evidence Exhibit #1 - Notice of Hearing published, Exhibit #2 - the mailing list of neighboring land owners receiving notice of hearing; Exhibit #3 - Land Use Applicant and attachments, pages 1 - 13; Exhibit #4 - minutes of the Planning Commission meeting dated August 22, 2011.

Attorney Paul Wood presented the application for the applicants Shelly and Terry Hoffmaster. They plan to purchase Tract 1 as indicated on the Plat of Survey contingent to approval of the special exception. The area is zoned Agricultural and storage units are permitted in this zone. They plan to build rental storage units for rent to the public for storage of personal property; build storage units for rent to the public for storage of boats, campers, and recreational vehicles. They believe there is a need for additional storage, the current ones are full, and they believe there is a need for larger units for storage of recreational vehicles. Orschelns is to the north and McCook Public Power is to the east. Mr. Wood addressed the required special exception considerations: a) the tract is just off the county road and they will not generate a lot of traffic; b) no off street parking is required; c) not applicable; d) utilities are available; e) will have a security fence now and will not provide any buffering at this time; f) unknown at this time; g) plenty of room for accessibility; and h) compatible with MPPD and the open fields.

There being no one else present to comment, upon a motion by Councilmember Kircher, 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. NAY: None. ABSENT: Hilker.

ITEM B APPROVE THE REQUEST FOR A SPECIAL EXCEPTION TO ALLOW STORAGE UNITS FOR STORAGE OF PERSONAL PROPERTY, BOATS, CAMPERS, AND RECREATIONAL VEHICLES IN AN AGRICULTURAL (AG) DISTRICT, LOCATED IN THE N½ SE¼ OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 30 WEST, OF THE 6<sup>TH</sup> P.M., RED WILLOW COUNTY, NEBRASKA; WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; APPLICANT - STAK 'N STORE, LLC; THAT THE GRANTING OF THE SPECIAL EXCEPTION WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND THAT SATISFACTORY PROVISIONS AND ARRANGEMENTS HAVE BEEN MADE BY THE APPLICANT CONCERNING SPECIAL EXCEPTION CONSIDERATIONS A - H.

Councilmember Kircher introduced a motion to approve the Special Exception request from Terry and Shelly Hoffmaster - Stak 'N Store, LLC to allow storage units for storage of personal property, boats, campers, and recreational vehicles in an Agricultural (AG) District, located in the N½ SE¼

of Section 24, Township 3 North, Range 30 West, of the 6<sup>th</sup> P.M., Red Willow County, Nebraska; within the two mile extra-territorial jurisdiction of the City of McCook; that the Council is empowered to grant this special exception; that the granting of the special exception will not adversely affect the public interest; and that satisfactory provisions and arrangements have been made by the applicant concerning the following issues:

- a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- b) off-street parking and loading areas where required, with particular attention to the items in (a) above, and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- c) refuse and service areas, with particular reference to the items in (a) and (b) above;
- d) utilities, with reference to locations, availability and compatibility;
- e) screening and buffering with reference to type, dimensions and character;
- f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g) required yards and other open space;
- h) general compatibility with adjacent properties and other property in the district.

The motion was seconded by Councilmember Gonzales and passed by the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

- (6) RECEIVE AND FILE AN UPDATE FROM SOURCEGAS DISTRIBUTION LLC ON THEIR PROJECT TO REPLACE NATURAL GAS LINES IN THE DOWNTOWN AREA OF MCCOOK.

Steve Haag, Division Manager for Souregas, gave the Council an update on their current project to replace natural gas lines in the downtown area of McCook. The area includes approximately 160 blocks from West 5<sup>th</sup> Street to East 5<sup>th</sup> Street and from “E” Street South.

- (7) CONSENT AGENDA:

Councilmember Gonzales requested that Item A be removed from the Consent Agenda and placed on the Regular Agenda.

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

- ITEM B RECEIVE AND FILE THE MINUTES OF THE JULY 5, 2011 AND AUGUST 5, 2011 SENIOR CENTER ADVISORY BOARD MEETINGS AND THE AUGUST 22, 2011 PLANNING COMMISSION MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the July 5, 2011 and August 5, 2011 Senior Center Advisory Board meetings

and the August 22, 2011 Planning Commission meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

ITEM C APPROVE THE REQUEST FROM THE FIREFIGHTER COMBAT CHALLENGE TEAM TO CLOSE EAST "E" STREET FROM NORRIS AVENUE TO EAST 1<sup>ST</sup> STREET ON SATURDAY, SEPTEMBER 24, 2011, FROM 7:00 A.M. TO 7:00 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve the request from the Firefighter Combat Challenge Team to close East "E" Street from Norris Avenue to East 1<sup>st</sup> Street on Saturday, September 24, 2011, from 7:00 A.M. to 7:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

ITEM D APPROVE INTERCITY BUS AGREEMENT NO. BUS-B732(212) WITH THE NEBRASKA DEPARTMENT OF ROADS AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve Intercity Bus Agreement No. BUS-B732(212) with the Nebraska Department of Roads and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

ITEM E APPROVE INTERCITY BUS AGREEMENT NO. BUS-B732(212) WITH DASHABOUT ROADRUNNER, INC. AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to approve Intercity Bus Agreement No. BUS-B732(212) with Dashabout Roadrunner, Inc. and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

### **REGULAR AGENDA**

ITEM 7A APPROVE THE MINUTES OF THE AUGUST 15, 2011 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the August 15, 2011 regular City Council meeting as amended. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. ABSENT: Hilker.

ITEM 7F APPROVE THE BID SPECIFICATIONS FOR ONE (1) NEW 2011 OR 2012 ½ TON 4-WHEEL DRIVE PICKUP FOR THE WASTE WATER TREATMENT PLANT AND SET THE DATE TO RECEIVE BIDS FOR SEPTEMBER 27, 2011 AT 2:00 P.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to approve the bid specifications for one (1) new 2011 or 2012 ½ ton 4-wheel drive pickup for the Waste Water Treatment Plant and set the date to receive bids for September 27, 2011 at 2:00 P.M.

The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin.  
NAY: None. ABSENT: Hilker.

- (9) APPROVE UNDER SUSPENSION OF THE RULE UPON ITS SECOND READING 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 Kircher introduced a motion to approve 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 upon its second reading. Motion was seconded by Councilmember Gonzales.

Rex Nelson, McCook Economic Development Corporation (MEDC) Director, and Mary Kircher, MEDC Housing Director gave the Council an update of the proposed project on this lot. They had planned to move the home located at 516 Norris Avenue to this location. Due to grant requirements that they must complete six homes, of which only one is completed, they are running out of time and the DED no longer is in favor of extending their grants. The cost of moving the home was becoming quite expensive. They need to ensure they have enough funds remaining to complete the required homes and no longer plan to move the structure.

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

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

- (9) INTRODUCE AND APPROVE UNDER SUSPENSION OF THE RULE ORDINANCE NO. 2011-2867 AUTHORIZING THE CONVEYANCE OF AN EASEMENT UPON AND UNDER REAL ESTATE OWNED BY THE CITY OF MCCOOK TO SOURCEGAS DISTRIBUTION LLC.

Councilmember Gonzales introduced Ordinance No. 2011-2867 entitled:

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN EASEMENT UPON AND UNDER REAL ESTATE OWNED BY THE CITY OF MCCOOK, NEBRASKA; PRESCRIBING THE TERMS AND CONDITIONS OF SUCH CONVEYANCE; REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE.

The motion was made by Councilmember Calvin, 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. NAY: None. ABSENT: Hilker.

The motion was made by Councilmember Calvin that the statutory rule requiring reading on three different days be suspended. Councilmember Gonzales seconded the motion to suspend the rule and

upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker. 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 Calvin moved for final passage of the Ordinance, which was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2011-2867 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker. 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 Calvin, seconded by Councilmember Kircher, the Council voted to publish Ordinance No. 2011-2867, in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

- (10) AWARD THE BID FOR THE CONSTRUCTION OF THE WILDLIFE FENCE AT MCCOOK BEN NELSON REGIONAL AIRPORT TO NINEMIRE FENCE IN THE AMOUNT OF \$536,456.60, IT BEING THE LOWEST RESPONSIBLE BID CONTINGENT UPON APPROVAL BY THE FEDERAL AVIATION ADMINISTRATION (FAA) AND THE NEBRASKA DEPARTMENT OF AERONAUTICS (NDA).

Pursuant to instruction from the City Council, sealed bids were received for the construction of the wildlife fence at McCook Ben Nelson Regional Airport. The following two bids were received.

American Fence - Grand Island, Nebraska - \$528,983.93.  
Ninemire Fence - Hoisington, Kansas - \$536,456.60.

Upon reviewing American Fence Company's bid submittals, and consulting with the Nebraska Department of Aeronautics and the FAA, it has been determined that their Bid Proposal is disqualified as non-responsive for failure to demonstrate good faith efforts in obtaining participation by certified DBE firms. It should be noted that American Fence Company's submittal of subcontractors to provide DBE services is considered a *pro forma* effort as the list (10 Contractors) does not include any certified DBE's. In addition, no other documentation was provided by American Fence Company that indicates additional efforts to achieve DBE participation was provided as referenced in the Instructions to Bidders and Appendix A to 49 CFR Part 26. The requirements are outlined in the DBE Program that was adopted by the McCook City Council at their regular meeting of August 15, 2011.

Based on the documentation provided by American Fence Company it is the opinion of the City of McCook (Airport Sponsor) that American Fence Company did not show that it took all necessary and reasonable steps to achieve a DBE goal, by their scope, intensity and appropriateness to the objective to obtain sufficient DBE participation; therefore, American Fence Company's bid is being disqualified.

The bid that was submitted by Ninemire Fence included proper documentation and has a minimum DBE goal of 3.1% which is .10% lower than the goal that was set.

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

to award the bid for the construction of the Wildlife Fence at McCook Ben Nelson Regional Airport to Ninemire Fence in the amount of \$536,456.60, that being the lowest responsible bid, contingent upon approval by the Federal Aviation Administration (FAA) and the Nebraska Department of Aeronautics (NDA). The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

(11) APPROVE 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 UPON ITS SECOND READING.

Councilmember Kircher introduced a motion to approve 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 upon its second reading. Motion was seconded by Councilmember Calvin.

As requested by Councilmember Kircher, Utilities Director Dutcher presented a scenario to maintain a 3.5% increase in the out years, which included a \$1.00 increase on the base fee plus a 3% increase on the usage. This would be a projected annual average increase of \$14.80, or approximately \$1.23 per month.

Councilmember Gonzales stated that we have already heard from constituents to keep the increase at the lowest rate possible. He was not in support of any additional increase.

Councilmember Kircher introduced a motion to approve the sewer rate increase as presented from Mr. Dutcher. Motion died for lack of a second.

The Mayor then stated the question: "Shall Ordinance No. 2011-2864 be approved upon its second reading?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker. Motion carried.

(12) APPROVE 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 UPON ITS SECOND READING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Kircher, the Council voted to approve 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 upon its second reading. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

(13) APPROVE ORDINANCE NO. 2011-2861 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2011/2012 UPON ITS THIRD AND FINAL READING.

Ordinance No. 2011-2861 now came up for third and final reading. Ordinance No. 2011-2861 was read by title only and thereafter Councilmember Gonzales moved for final passage of the Ordinance, which motion was seconded by Councilmember Calvin.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to take \$55,000 from the uncommitted sales tax revenues for additional funding of the proposed water slide. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

Upon a motion by Councilmember Kircher, seconded by Mayor Berry, the Council voted to take from the uncommitted sales tax revenues \$45,000 for East 9<sup>th</sup> and "G" Street Drainage Improvements and \$50,000 for additional Sewer SRF payment. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to reduce FY 10/11 R & M Street projected expense and increase FY 11/12 R & M Street by \$2,500 as the City's commitment for the proposed Heartland Expressway Financial Study. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

Upon a motion by Councilmember Calvin, seconded by Mayor Berry, the Council voted to reduce the Council - Humane Society by \$1,000. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin. NAY: Kircher. ABSENT: Hilker.

The Mayor then stated the question: "Shall Ordinance No. 2011-2861 be passed and adopted as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor 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 Mayor Berry, seconded by Councilmember Kircher, the Council voted to publish Ordinance No. 2011-2861 in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

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

Ordinance No. 2011-2862 now came up for third and final reading. Ordinance No. 2011-2862 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2011-2862 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor 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 Calvin, seconded by Councilmember Gonzales, the Council voted to publish Ordinance No. 2011-2862 in the McCook Daily Gazette, a legal newspaper, one time as required by law. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

(15) MUNICIPAL FACILITIES UPDATE.

A proposed bid schedule was present for the project. The pre-engineered building for the apparatus bay is scheduled for September 22 and the site grading and excavation is scheduled for September 27. Staff will meet with both Prochaska & Associates and Sampson Construction on September 13 for further review of documents for the building.

(16) COUNCIL COMMENTS.

Councilmember Calvin inquired about the status of the bandshell renovation.

Public Works Director Kyle Potthoff informed the Council that final inspection and a small punch list were completed this last Friday and the project was signed off on.

City Attorney Schneider stated that Jason Loop, representing the Library Foundation, will be present at the September 19 meeting to address the proposed elevator and other Foundation contributions to the City.

Mayor Berry reminded all of the special meeting scheduled for Thursday, September 8, 2011, at 6:30 P.M. The Council will meet in executive session 6:30 P.M. with the City Manager interviews scheduled for 7:00 P.M. and 8:00 P.M.

(17) 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 Gonzales, the Council voted to move into executive session for the prevention of needless injury to the reputation of the city manager applicants and such applicants have not requested a public meeting at 9:08 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

The Mayor then stated for the record that at this time, pursuant to the Nebraska Open Meetings Act, a closed session will be held for the purpose 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.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to move out of executive session at 9:15 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

(18) 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 Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to move into executive session for the protection of public interest for a strategy session with respect to collective bargaining – the Fraternal Order of Police Lodge 57 at 9:16 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

The Mayor then 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.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council

voted to move out of executive session at 9:20 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin. NAY: None. ABSENT: Hilker.

(19) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:21 P.M.

---

Dennis Berry, Mayor

ATTEST:

---

Lea Ann Doak, City Clerk-Treasurer