

MCCOOK CITY COUNCIL
September 19, 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 September 15, 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.

Mary Hendricks, pastor St. Alban's Episcopal Church, was present for the invocation.

(2) CITIZEN'S FORUM.

Gene Morris, 205 Apache, stated that the Frisbee Golf Course was an excellent addition to the community. It is getting a lot of good use by both the young and older citizens of McCook. Mr. Morris also expressed concerns to Councilmember Kircher regarding his choice of words at a previous meeting. Adding, that he needed to be a little more choosy about the words that he uses and to do it in a manner that is more professional.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

There were no Mayor's announcements or recognitions.

(4) CONSENT AGENDA:

Interim City Manager Potthoff requested that Item G and Item I be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE SEPTEMBER 6, 2011 REGULAR CITY COUNCIL MEETING AND THE SEPTEMBER 8, 2011 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the minutes of the September 6, 2011 regular City Council meeting and the

September 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 RECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD MEETING DATED SEPTEMBER 6, 2011.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the Senior Center Advisory Board meeting dated September 6, 2011. 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 THE MCCOOK AREA CHAMBER OF COMMERCE FOR A MIXER TO BE HELD AT WAGNER CHEVROLET, 201 EAST "B" STREET, ON OCTOBER 19, 2011 FROM 5:30 P.M. TO 7:00 P.M., WITH AN ALTERNATE DATE OF OCTOBER 26, 2011.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for a mixer to be held at Wagner Chevrolet, 201 East "B" Street, on October 19, 2011 from 5:30 P.M. to 7:00 P.M., with an alternate date of October 26, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE ADDENDUM TO THE 2012 CONTRACT WITH THE WEST CENTRAL NEBRASKA AREA AGENCY ON AGING AND THE MCCOOK HERITAGE SENIOR CENTER.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve and authorize the Mayor to sign the Addendum to the 2012 contract with the West Central Nebraska Area Agency on Aging and the McCook Heritage Senior Center. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E APPROVE THE REVISED APPLICATION FOR PUBLIC TRANSPORTATION ASSISTANCE FOR THE CITY OF MCCOOK FY 2011/2012 AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the revised Application for Public Transportation Assistance for the City of McCook FY 2011/2012 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 ADDENDUM TO THE MCCOOK HUMANE SOCIETY AGREEMENT EFFECTIVE OCTOBER 1, 2011 AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the Addendum to the McCook Humane Society Agreement effective October 1, 2011 and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM H RECEIVE AND FILE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$7,500.00 FOR THE REMOVAL OF SATURATED SOILS ON THE EAST "O" STREET PAVING PROJECT.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to receive and file Change Order No. 1 in the amount of \$7,500.00 for the removal of saturated soils on the East "O" Street Paving Project. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM J APPROVE THE REQUEST FROM THE UNITED WAY TO USE CITY STREETS FOR THEIR 11TH ANNUAL UNITED WAY FUN RUN AND 5K RACE ON SEPTEMBER 24, 2011.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to approve the request from the United Way to use city streets for their 11th Annual United Way Fun Run and 5K Race on September 24, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM K 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 RECEPTION TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON OCTOBER 15, 2011 FROM 2:00 P.M. TO 1:00 A.M., WITH AN ALTERNATE DATE OF OCTOBER 26, 2011.

Upon a motion by Councilmember Gonzales, 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 reception to be held at the Keystone Business Center, 402 Norris Avenue, on October 15, 2011 from 2:00 P.M. to 1:00 A.M., with an alternate date of October 26, 2011. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM L ADOPT RESOLUTION NO. 2011-15 APPROVING THE GRANT APPLICATION FOR FEDERAL ASSISTANCE FROM THE NEBRASKA GAME AND PARKS COMMISSION RECREATIONAL TRAILS PROGRAM FOR THE MCCOOK RECREATIONAL TRAIL PHASE III - SOUTHVIEW.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-15 approving the Grant Application for Federal Assistance from the Nebraska Game and Parks Commission Recreational Trails Program for the McCook Recreational Trail Phase III - Southview. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM M ADOPT RESOLUTION NO. 2011-17 SETTING THE PROPERTY TAX REQUEST FOR FY2011/2012 AT A DIFFERENT AMOUNT THAN THE PROPERTY TAX REQUEST FOR THE PRIOR YEAR.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-17 setting the property tax request for FY2011/2012 at a different amount than the property tax request for the prior year. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM N ADOPT RESOLUTION NO. 2011-16 RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF MCCOOK AND THE BARGAINING UNIT OF THE FRATERNAL ORDER OF POLICE LODGE 57 FOR THE TIME PERIOD OF OCTOBER 1, 2011 TO SEPTEMBER 30, 2013, AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-16 ratifying the Collective Bargaining Agreement between the City of McCook and the Bargaining Unit of the Fraternal Order of Police Lodge 57 for the time period of October 1, 2011 to September 30, 2013, and authorize the Mayor to sign the Agreement. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM O ADOPT RESOLUTION NO. 2011-18 RATIFYING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MCCOOK AND THE BARGAINING UNIT OF THE FRATERNAL ORDER OF POLICE LODGE 57 THAT EFFECTIVE OCTOBER 1, 2011 THE REQUIREMENT THAT OFFICERS BECOME MEDICALLY TRAINED AT A MINIMUM OF EMT NO LONGER EXISTS AND THAT THIS REQUIREMENT SHALL BE STRICKEN FROM ALL JOB DESCRIPTIONS AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to adopt Resolution No. 2011-18 ratifying the Memorandum of Understanding between the City of McCook and the Bargaining Unit of the Fraternal Order of Police Lodge 57 that effective October 1, 2011 the requirement that Officers become medically trained at a minimum of EMT no longer exists and that this requirement shall be stricken from all job descriptions and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

REGULAR AGENDA

ITEM 4G RECEIVE AND FILE THE PROGRESS REPORT FOR THE “H” STREET IMPROVEMENTS.

Greg Wolford, City Engineer informed the Council that one of the Federal requirements for this project is periodic public updates to allow citizens to comment during the design phase. This happens in two ways. The first is at Council meetings and the second is at public meetings on the project. The design for this project is now 60-70% complete. They have developed a preliminary schedule and phasing plan which details the impacts to the residents on the street, how they will be accommodated during construction and how the public at large will be impacted. The first public meeting is scheduled for October 10, 2011 at the Heritage Senior Center. This meeting will be advertised in the media plus letters will be sent directly to all residents or property owners on “H” Street.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file the progress report for the “H” Street Improvements. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM 4I APPROVE THE REQUEST FROM AMFIRST BANK TO USE KELLEY PARK, THE WALKING TRAIL, AND CITY-OWNED PORTIONS OF THE OLD

BROKEN TEE GOLF COURSE FOR THE 1ST ANNUAL 5K CROSS COUNTRY ROAD "OFF ROAD" RACE TO BE HELD ON SATURDAY, OCTOBER 22, 2011.

Mayor Berry introduced a motion to approve the request from AmFirst Bank to use Kelley Park, the Walking Trail, and city-owned portions of the Old Broken Tee Golf Course for the 1st Annual 5K Cross Country Road "Off Road" Race to be held on Saturday, October 22, 2011. Councilmember Gonzales seconded the motion.

Stacy Priebe, representing AmFirst Bank, informed the Council that since making their original request, they have found out that there is a conflict with the October 22 date and that they would like to change the date to October 29.

Upon a motion by Councilmember Kircher, seconded by Councilmember Hilker, the Council voted to amend by striking October 22 and inserting October 29. 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) ACCEPT A GIFT FROM THE MCCOOK LIBRARY FOUNDATION OF LOT FOUR (4), BLOCK FIVE (5), FIRST ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA, CONTINGENT ON THE SALE OF THE PROPERTY BETWEEN PAUL L. ORVIS, PERSONAL REPRESENTATIVE OF THE ESTATE OF LAWRENCE L. ORVIS ESTATE AND THE MCCOOK LIBRARY FOUNDATION.

Councilmember Kircher introduced a motion to accept a gift from the McCook Library Foundation of Lot Four (4), Block Five (5), First Addition to the City of McCook, Red Willow County, Nebraska, contingent on the sale of the property between Paul L. Orvis, Personal Representative of the Estate of Lawrence L. Orvis Estate and the McCook Library Foundation. Councilmember Calvin seconded the motion.

Jason Loop, representing the McCook Library Foundation, informed the Council that closing on the property has not yet occurred. The Foundation plans to donate the property to the City as soon as the has occurred.

Councilmember Gonzales expressed concerns regarding demolition of the home and expense involved in that process. He felt that an agreement addressing these issues should be completed before the City accepts the property.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin, the Council voted to table postpone of this item until the October 3, 2011 meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (6) APPROVE ORDINANCE NO. 2011-2866 AUTHORIZING THE SALE AND CONVEYANCE OF REAL ESTATE OWNED BY THE CITY OF MCCOOK DESCRIBED AS LOT SEVEN A (7A), BLOCK THIRTEEN (13), ORIGINAL TOWN OF MCCOOK, RED WILLOW COUNTY, NEBRASKA TO THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION UPON ITS THIRD AND FINAL READING.

Ordinance No. 2011-2866 now came up for third and final reading. Ordinance No. 2011-2866 was

read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hilker. The Mayor then stated the question: "Shall Ordinance No. 2011-2866 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. 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 Calvin, the Council voted to publish Ordinance No. 2011-2866 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.

- (7) 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 THIRD AND FINAL READING.

Ordinance No. 2011-2864 now came up for third and final reading. Ordinance No. 2011-2864 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Kircher. The Mayor then stated the question: "Shall Ordinance No. 2011-2864 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. 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 Kircher, the Council voted to publish Ordinance No. 2011-2864 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.

- (8) 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 THIRD AND FINAL READING.

Ordinance No. 2011-2863 now came up for third and final reading. Ordinance No. 2011-2863 was read by title only and thereafter Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Hilker. The Mayor then stated the question: "Shall Ordinance No. 2011-2863 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None. 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 Kircher, the Council voted to publish Ordinance No. 2011-2863 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.

- (9) MUNICIPAL FACILITIES UPDATE.

Co Interim City Manager Potthoff informed the Council that two bid packages are ready to be received. The bid for the pre-engineered building for the fire apparatus is on October 22 and the bid for grading and site work is on October 27. These bids will be opened publicly in the Council Chambers. SourceGas has completed the relocation of their gas line and the relocation of the sanitary sewer line is scheduled to begin within the next couple of weeks.

(10) COUNCIL COMMENTS.

Councilmember Gonzales reminded residents that a building permit is required when repairing the damage to buildings and roofs from the recent hail storm. He also noted that city staff did a nice job of the installation of the new playground equipment in the Elk's City Park. It is a nice addition.

Mayor Berry reminded the Council of the special meeting scheduled for this Wednesday, October 21, 2011 for the third City Manager candidate interview.

(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.

The City Council did not hold an executive session on this item at this time.

(12) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:15 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk-Treasurer