

MCCOOK CITY COUNCIL  
October 3, 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 29, 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 - CLARK BATES, MCCOOK CHRISTIAN 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.

City Attorney Schneider informed the Council that the McCook Library Foundation had closed on the property to the north of the Public Library which they plan to gift to the City. He is currently working on the purchase agreement with Jason Loop, representing the Foundation.

- (4) APPROVE THE PROCLAMATION DESIGNATING OCTOBER 9 - 15, 2011 AS "FIRE PREVENTION WEEK" AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hilker, the Council voted to approve the proclamation designating October 9 - 15, 2011 as "Fire Prevention Week" and authorize the Mayor to sign. 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 SEPTEMBER 19, 2011 REGULAR CITY COUNCIL MEETING AND THE SEPTEMBER 21, 2011 SPECIAL CITY COUNCIL MEETING.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the September 19, 2011 regular City Council meeting and the September 21, 2011 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM B        AWARD THE BID FOR ONE (1) NEW ½ TON 4-WHEEL DRIVE PICKUP TO JANSSEN CHRYSLER JEEP DODGE REPRESENTED BY THE LOWEST RESPONSIBLE BID IN THE AMOUNT OF \$20,981.00.

Pursuant to instruction given by the City Council a Notice to Bidders was published asking for sealed bids for one (1) new ½ Ton 4-Wheel Drive pickup for the Waste Water Department. The following bids were received:

Janssen & Son's Ford - Holdrege, Nebraska  
\$22,171.00  
Wagner Ford - McCook, Nebraska  
\$21,925.00  
Wagner Chevrolet - McCook, Nebraska  
\$21,555.00  
Lee Janssen Motor Co. (Chevrolet) - Holdrege, Nebraska  
\$20,995.00  
Janssen Chrysler Jeep Dodge - North Platte, Nebraska  
\$20,981.00

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to award the bid for one (1) new ½ ton 4-wheel drive pickup to Janssen Chrysler Jeep Dodge represented by the lowest responsible bid in the amount of \$20,981.00. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM C        RECEIVE AND FILE THE CITY OF MCCOOK SNOW AND ICE CONTROL AND REMOVAL OPERATION PROCEDURES AND POLICES.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to receive and file the City of McCook Snow and Ice Control and Removal Operation Procedures and Polices. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM D        RECOMMEND APPROVAL TO THE NEBRASKA LIQUOR CONTROL COMMISSION THE APPLICATION FOR MANAGER SUBMITTED BY THE PIZZA HUT, LOCATED AT 811 NORTH HIGHWAY 83, WHICH HOLDS LICENSE #1-56127, THE APPLICANT BEING SCOTT B. KEMERY.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, the Council voted to recommend approval to the Nebraska Liquor Control Commission the Application for Manager submitted by the Pizza Hut, located at 811 North Highway 83, which holds License #1-56127, the applicant being Scott B. Kemery. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

ITEM E        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 COMMUNITY BUILDING, 1408 WEST 5<sup>TH</sup> STREET, ON

OCTOBER 22, 2011 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Gonzales, 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 Community Building, 1408 West 5<sup>th</sup> Street, on October 22, 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.

### **REGULAR AGENDA**

- (6) APPROVE THE REQUEST FROM THE MCCOOK ROTARY CLUB TO NORRIS AVENUE FROM "D" STREET TO "E" STREET ON DECEMBER 31, 2011 FROM 6:00 P.M. TO 1:00 A.M. JANUARY 1, 2012 FOR THE 3<sup>RD</sup> ANNUAL "FIRST NIGHT" EVENT.

Councilmember Calvin introduced a motion to approve the request from the McCook Rotary Club to Norris Avenue from "D" Street to "E" Street on December 31, 2011 from 6:00 P.M. to 1:00 A.M. January 1, 2012 for the 3<sup>rd</sup> Annual "First Night" event. Councilmember Gonzales seconded the motion.

Alan Gunther and Kellie Soden, representing the Rotary Club, because events will be starting earlier, they requested that the starting time be changed from 6:00 P.M. to 4:00 P.M.

Upon a motion by Councilmember Kircher, seconded by Councilmember Calvin, the Council voted to amend the time to "from 4:00 P.M. to 1:00 A.M.". The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

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.

- (7) MUNICIPAL FACILITIES UPDATE.

Council was informed that the bid for the pre-engineered building for the apparatus bay from Chief Buildings was \$5,000 to \$10,000 under the contractors estimate and the bid for site grading from BSB Construction was \$5,000 - \$10,000 over the contractors estimate. The bid package for the entire facility should be completed in November with bidding completed in December.

- (8) COUNCIL COMMENTS.

Council thanked the Rotary Club for stepping up and taking over the First Night Event to keep that successful event from dying.

Mayor Berry congratulated McCook Police Sergeant Kevin Darling on his recent graduation from the FBI National Academy.

Councilmember Gonzales requested that the procedure for ordinances be put on the agenda for the next Council meeting. Items for discussion are when and how are they introduced, when is it appropriate to suspend the rules, is it necessary for all items to be considered on three readings. He

would like to see the process streamlined.

- (9) 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 Hilker, seconded by Councilmember Calvin, 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 7:43 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

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 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 8:25 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (10) AUTHORIZE THE CITY ATTORNEY TO ENTER INTO NEGOTIATIONS WITH THE CITY MANAGER CANDIDATE FOR CONTRACT TERMS AND TO REPORT BACK TO THE CITY COUNCIL AT THE NEXT COUNCIL MEETING.

Upon a motion by Council member Calvin, seconded by Councilmember Gonzales, the Council voted to authorize the city attorney to enter into negotiations with the city manager candidate for contract terms and to report back to the City Council at the next Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Kircher, Calvin, Hilker. NAY: None.

- (11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:30 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk-Treasurer