

MCCOOK CITY COUNCIL
March 5, 2012
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, Calvin, Hepp, McDowell; City Attorney Schneider; City Manager Hancock; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on March 1, 2012, 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.

Lance Clay, pastor of the United Methodist Church, was present for the invocation.

(2) CITIZEN'S FORUM.

No one was present for Citizens' Forum.

(3) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Mayor Berry informed the Council that the City received a check in the amount of \$7,813.38 which represents the City's share of the Alliance for Community Energy (ACE) revenue returned for Fiscal Year 2011-2012. This money is a result of the ACE Board of Directors decision to return revenue beyond the cost of operations to its member communities. The revenue is the city's to use as we wish. Previous ACE funds were used for the Norris Park Bandshell Restoration project. He reminded all that the Choice Gas selection period is set for April 13 - 26.

City Manager Hancock reviewed highlights of his recent newsletter. McCook Community College students are participating in ride-along and internship programs at the Police Department. The Police Department has a new Dispatcher/Jailer, Genevieve Priest. The Fire Department recently added two new members to the paid-on-call staff, Adam Kuehl and Cody Bethke. He proposed a committee of the members of the Board of Appeals and two additional members (citizens at large) to review the building code for the City. The City currently uses the 2003 code, with the latest release being 2012. He proposed a Goal Setting session between the dates of March 22 and 27 and asked the Council to check their calendars to see what days would fit into their schedule. The session will not last longer than three hours. He also proposed a Budget Retreat for the end of May or the first of June. City Staff and the MEDC continue to work on possible amendments to the

original MEDC/City agreement for the development of the Business Park. The Fire Department will be conducting the National Incident Management System (NIMS) training beginning in April for all City Staff and City Council members.

(4) ACCEPT THE FINANCIAL STATEMENTS AND SUPPLEMENTAL INFORMATION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2011 PREPARED BY ALMQUIST, MALTZAHN, GALLOWAY, & LUTH, CERTIFIED PUBLIC ACCOUNTANTS.

Councilmember Calvin introduced a motion to accept the Financial Statements and Supplemental Information for Fiscal Year ending September 30, 2011 prepared by Almquist, Maltzahn, Galloway, & Luth, Certified Public Accountants. Councilmember McDowell seconded the motion.

Terry Galloway of Almquist, Maltzahn, Galloway, & Luth presented the Financial Statements to the Council for the Fiscal Year ending September 30, 2011, stating that it was a clean, unqualified opinion which is becoming harder to obtain.

The Mayor then stated the question: "Shall the motion on the floor be approved as stated?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE FEBRUARY 20, 2012 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the February 20, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B AUTHORIZE CENTURY LINK TO OCCUPY CITY RIGHT-OF-WAY FOR THE INSTALLATION OF UNDERGROUND FIBER OPTIC CABLE AND AUTHORIZE THE MAYOR TO SIGN THE APPLICATION TO OCCUPY THE RIGHT-OF-WAY.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to authorize Century Link to occupy city right-of-way for the installation of underground fiber optic cable and authorize the Mayor to sign the application to occupy the right-of-way. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C *ITEM REMOVED FROM AGENDA.*

ITEM D APPROVE THE BID SPECIFICATIONS FOR THE FOX THEATRE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT AND SET THE DATE TO RECEIVE BIDS AT TUESDAY, MARCH 27, 2012 AT 2:00 P.M.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to approve the bid specifications for the Fox Theatre Community Development Block Grant Project and set the date to receive bids at Tuesday, March 27, 2012 at 2:00 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC, LICENSE # IK-57785, FOR THE BULL RIDING EVENT TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS KIPLINGER BUILDING, 1412 WEST 5TH STREET, ON APRIL 13 AND 14, 2012, FROM 1:00 P.M. TO 1:00 A.M. EACH DAY.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, License # IK-57785, for the Bull Riding Event to be held at the Red Willow County Fairgrounds Kiplinger Building, 1412 West 5th Street, on April 13 and 14, 2012, from 1:00 P.M. to 1:00 A.M. each day. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

(6) ADOPT RESOLUTION NO. 2012-05 ESTABLISHING AN ORDINANCE APPROVAL POLICY FOR TRANSACTION OF BUSINESS AT CITY COUNCIL MEETINGS FOR THE CITY OF MCCOOK, NEBRASKA.

Councilmember Gonzales introduced a motion to adopt Resolution No. 2012-05 establishing an Ordinance Approval Policy for transaction of business at City Council meetings for the City of McCook, Nebraska. Councilmember McDowell seconded the motion.

Councilmember Gonzales introduced a motion to amend by replacing the No. 1's listed as Councilmember to Mayor. Councilmember Hepp seconded the motion.

Councilmember Gonzales withdrew his motion with the consent of Councilmember Hepp.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Hepp, the Council voted to amend by replacing the No. 1's listed as Councilmember to Chairperson. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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, Calvin, Hepp, McDowell. NAY: None. Motion carried.

(7) ADOPT RESOLUTION NO. 2012-06 EXPRESSING SUPPORT FOR THE MCCOOK ECONOMIC DEVELOPMENT CORPORATION (MEDC) TO APPLY FOR GRANT FUNDING FROM THE NEBRASKA INVESTMENT FINANCE AUTHORITY (NIFA) FOR A CITY COMPREHENSIVE PLAN, WITH SIGNIFICANT EMPHASIS DIRECTED TO HOUSING, AND SPECIFYING A CITY FINANCIAL COMMITMENT OF NOT TO EXCEED \$31,000 FROM 10-004-52070 IN THE GENERAL FUND COUNCIL CONTINGENCY ACCOUNT.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to adopt Resolution No. 2012-06 expressing support for the McCook Economic Development Corporation (MEDC) to apply for grant funding from the Nebraska Investment Finance Authority (NIFA) for a City Comprehensive Plan, with Significant Emphasis Directed to Housing, and Specifying a City Financial Commitment of not to Exceed \$31,000 from 10-004-52070 in the General Fund Council Contingency Account. The motion passed upon the following roll call

vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(8) MUNICIPAL FACILITIES UPDATE.

City Manager Hancock stated that the project continues to move forward. The next construction meeting will be March 12 at 1:00 P.M. West "C" Street from West 5th to West 4th has been closed to allow for storage of steel and other construction material which is scheduled to arrive within three weeks.

(9) COUNCIL COMMENTS.

Councilmember Gonzales stated that LB786 should be up on final vote either Thursday or Friday of this week. It is to be approved with the emergency clause, which means that once it is signed there is not a waiting period before it takes effect.

Councilmembers McDowell, Hepp, and Calvin thanked the City for allowing them to attend the League Conference this past week. It was a very informative conference.

(10) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR A STRATEGY SESSION WITH RESPECT TO A POTENTIAL REAL ESTATE PURCHASE FOR THE CATION WASTE DISPOSAL SYSTEM.

Upon a motion by Councilmember Hepp, seconded by Councilmember McDowell, the Council voted to move into executive session for a strategy session with respect to a potential real estate purchase for the cation waste disposal system at 8:15 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. 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 purpose of a strategy session with respect to a potential real estate purchase for the cation waste disposal system. The Council will reconvene in public session following this closed session.

City Attorney Schneider, City Manager Hancock, City Clerk Doak, Utilities Director Jesse Dutcher, and City Engineer Chris Miller stayed for the executive session.

Upon a motion by Councilmember Calvin, seconded by Councilmember Hepp, the Council voted to move out of executive session at 8:59 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(11) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:00 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk