

MCCOOK CITY COUNCIL
April 16, 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 Clerk-Treasurer Doak.

Absent: City Manager Hancock.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on April 12, 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 - MARY HENDRICKS, ST. ALBAN'S EPISCOPAL CHURCH.

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

- (2) PLEDGE OF ALLEGIANCE.

Mayor Berry led the Council and audience in the Pledge of Allegiance.

- (3) CITIZEN'S FORUM.

No one was present for Citizen's Forum.

- (4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

Mayor stated that Agenda Item 6 has been removed from the agenda upon the request of the project Sponsors/Developers Randy and Curtis Lashley.

- (5) PROCLAMATIONS:

ITEM A APPROVE THE PROCLAMATION DESIGNATING APRIL 27, 2012 AS "ARBOR DAY" IN THE CITY OF MCCOOK AND AUTHORIZE THE MAYOR TO SIGN.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the proclamation designating April 27, 2012 as "Arbor Day" in the City of McCook and authorize the Mayor to sign. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE THE PROCLAMATION DESIGNATING THE MONTH OF MAY 2012 AS “BIKE MONTH”, MAY 14 - 18, 2012 AS “BIKE TO WORK WEEK”, AND MAY 18, 2012 AS “BIKE TO WORK DAY” IN THE CITY OF MCCOOK AND AUTHORIZE THE MAYOR TO SIGN.

Councilmember Calvin introduced a motion to approve the proclamation designating the month of May 2012 as “Bike Month”, May 14 - 18, 2012 as “Bike to Work Week”, and May 18, 2012 as “Bike to Work Day” in the City of McCook and authorize the Mayor to sign. Councilmember McDowell seconded the motion.

Event planners Tim Monzon and Eric Lucero were present. Mr. Monzon reviewed the events planned and recognized their sponsors.

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.

(6) PUBLIC HEARING:

Upon the request of the Project Sponsors/Developers no action was taken on this item.

ITEM A PUBLIC HEARING - REQUEST FOR A SPECIAL EXCEPTION TO ALLOW A TRUCK AND FARM EQUIPMENT REPAIR FACILITY IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; PROJECT SPONSOR/DEVELOPER - RANDY AND CURTIS LASHLEY; LAND OWNER - A. M. BISHOP FAMILY TRUST.

ITEM B CONSIDER REQUEST FOR SPECIAL EXCEPTION TO ALLOW A TRUCK AND FARM EQUIPMENT REPAIR FACILITY IN AN AGRICULTURAL (AG) DISTRICT LOCATED WITHIN THE TWO MILE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF MCCOOK; PROJECT SPONSOR/DEVELOPER - RANDY AND CURTIS LASHLEY; LAND OWNER - A. M. BISHOP FAMILY TRUST, 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.

(7) CONSENT AGENDA:

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

Mayor Berry requested that Item B be removed from the Consent Agenda and placed on the Regular Agenda.

ITEM A APPROVE THE MINUTES OF THE APRIL 2, 2012 REGULAR CITY COUNCIL MEETING AND THE APRIL 10, 2012 SPECIAL CITY COUNCIL MEETING.

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

to approve the minutes of the April 2, 2012 regular City Council meeting and the April 10, 2012 special City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM C RATIFY THE MAYOR'S APPOINTMENTS TO THE:

- BUILDING ADVISORY AND APPEALS BOARD - APPOINT STEVE WALTERS (PLUMBER) - TERM EXPIRES SEPTEMBER 2013, STEVE LYNE (MECHANICAL) - TERM EXPIRES SEPTEMBER 2014, KATHY LESTER (ENGINEER, ARCHITECT, OR BUILDING DESIGNER) - TERM EXPIRES SEPTEMBER 2015, AND REAPPOINT PAUL GOODENBERGER - TERM EXPIRES SEPTEMBER 2015.
- BUILDING CODE REVIEW COMMITTEE - APPOINT JIM COADY, ROGER HENTHORN, AND MEMBERS OF THE BUILDING ADVISORY AND APPEALS BOARD - JERDA GAREY, STEVE WALTERS, STEVE LYNE, KATHY LESTER, AND PAUL GOODENBERGER.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to ratify the Mayor's appointments to the Building Advisory and Appeals Board - appointing Steve Walters (Plumber) - term expires September 2013, Steve Lyne (Mechanical) - term expires September 2014, Kathy Lester (Engineer, Architect, or Building Designer) - term expires September 2015, and reappoint Paul Goodenberger - term expires September 2015 and to the Building Code Review Committee - appointing Jim Coady, Roger Henthorn, and members of the Building Advisory and Appeals Board - Jerda Garey, Steve Walters, Steve Lyne, Kathy Lester, and Paul Goodenberger. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM D RECEIVE AND FILE THE MINUTES OF THE FEBRUARY 16, 2012 PARKS ADVISORY BOARD MEETING, THE MARCH 6, 2012 SENIOR CENTER ADVISORY BOARD MEETING, AND THE APRIL 9, 2012 PLANNING COMMISSION MEETING.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to receive and file the minutes of the February 16, 2012 Parks Advisory Board meeting, the March 6, 2012 Senior Center Advisory Board meeting, and the April 9, 2012 Planning Commission meeting. 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 STORY TELLING FESTIVAL TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON JUNE 8, 2012 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, License # IK-57785, for the Story Telling Festival to be held at the Keystone Business Center, 402 Norris Avenue, on June 8, 2012 from 1:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM F APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC, LICENSE # IK-57785, FOR THE

REUNION 1957 TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON SEPTEMBER 29, 2012 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by MO Dough, LLC, License # IK-57785, for the Reunion 1957 to be held at the Keystone Business Center, 402 Norris Avenue, on September 29, 2012 from 1:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H RECEIVE AND FILE THE CLAIMS FOR THE MONTH OF MARCH 2012 AS PUBLISHED ON APRIL 12, 2012.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to receive and file the claims for the month of March 2012 as published on April 12, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM I RECEIVE AND FILE THE FINANCIAL REPORT FOR THE QUARTER ENDING MARCH 31, 2012.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to receive and file the Financial Report for the quarter ending March 31, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM J APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY A & N RESTAURANT LLC, LICENSE # I-88659, FOR FUND RAISER TO BE HELD AT THE RED WILLOW COUNTY 4-H BUILDING, 1412 WEST 5TH STREET, ON MAY 12, 2012 FROM 6:00 P.M. TO 1:00 A.M.

Upon a motion by Councilmember Hepp, seconded by Councilmember Calvin, the Council voted to approve the application for a Special Designated Liquor License submitted by A & N Restaurant LLC, License # I-88659, for Fund Raiser to be held at the Red Willow County 4-H Building, 1412 West 5th Street, on May 12, 2012 from 6:00 P.M. to 1:00 A.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 7B RECOMMEND TO THE DEPARTMENT OF TRANSPORTATION TO ACCEPT GREAT LAKES AVIATION'S PROPOSAL TO CONTINUE TWELVE (12) NONSTOP ROUND TRIPS PER WEEK TO DENVER INTERNATIONAL AIRPORT AS VOTED UPON BY THE AIRPORT ADVISORY COMMISSION.

Mayor Berry introduced a motion to recommend to the Department of Transportation to accept Great Lakes Aviation's proposal to continue twelve (12) nonstop round trips per week to Denver International Airport as voted upon by the Airport Advisory Commission. Councilmember Gonzales seconded the motion.

Mayor Berry expressed concerns with Great Lakes regarding fares and the lack of promotion locally. He encouraged area residents to use the air service, adding that in order to maintain the service we

must average ten enplanements per day.

John Hanson expressed concerns with the size of the planes proposed, stating that a smaller aircraft would reduce expenses and the required subsidy dollars.

Public Works Director Potthoff stated that the two-year proposal from Great Lakes Aviation was the only proposal received and explained that it is their decision as to what size of plane should be provided.

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.

ITEM 7G APPROVE THE REQUEST FROM TERRY SITZMAN TO CLOSE WEST "C" STREET BETWEEN NORRIS AVENUE AND WEST 1ST STREET ON SATURDAY, MAY 5, 2012 FROM 6:00 A.M. TO 4:00 P.M. FOR HIS ANNUAL CAR SHOW.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to approve the request from Terry Sitzman to close West "C" Street between Norris Avenue and West 1st Street on Saturday, May 5, 2012 from 6:00 A.M. to 4:00 P.M. for his annual car show. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(8) CONSIDER BID FOR THE FOX THEATRE RENOVATION COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT NO. 10-TD-006.

Lloyd Benjamin, representing the members of the Alliance for the Encouragement of Visual and Performing Arts, stated that bids were opened for the Fox Theatre Renovation Project on April 10. One bid was received from McCook Contracting in the amount of \$505,000. They felt fortunate to have received this bid as several contractors had asked that they delay the project to allow them to complete it next winter. In order to meet grant requirements, the project must be completed by year end. The bid exceeds the grant amount due to the fact that fire sprinklers are now required and to interior design additions. Their Board has committed to the project and has arranged financing to cover the difference. He requested that the Council award the bid to McCook Contracting, contingent to DED approval.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to award the bid for the Fox Theatre Renovation Community Development Block Grant Project No. 10-TD-006 to McCook Contracting, LLC of McCook, Nebraska, in the amount of \$505,000, subject to approval by the Nebraska Department of Economic Development, and that the Alliance for the Encouragement of Visual and Performing Arts finance the amount exceeding grant funds. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(9) MUNICIPAL FACILITIES UPDATE.

Councilmember Gonzales informed the Council that the Fire hose drying tower is completed and that they are currently working on the medal decking, block wall, and backfill. Compression testing will be required when the backfill is completed. Work on the bay area should start within the next couple of weeks.

- (10) APPROVE THE AMENDMENT TO THE OCTOBER 17, 2011 EMPLOYMENT AGREEMENT WHEREBY SECTION 14 OF SAID AGREEMENT WOULD BE MODIFIED TO ALLOW FOR FULL PARTICIPATION IN THE ICMA RETIREMENT CORPORATION 457 RETIREMENT PLAN AS OPPOSED TO AN 8% PARTICIPATION IN THE ICMA RETIREMENT PLAN AND A 3% PARTICIPATION IN A QUALIFIED 401(A) CONTRIBUTION PLAN.

Upon a motion by Councilmember McDowell, seconded by Councilmember Gonzales, the Council voted to approve the amendment to the October 17, 2011 Employment Agreement whereby Section 14 of said agreement would be modified to allow for full participation in the ICMA Retirement Corporation 457 Retirement Plan as opposed to an 8% participation in the ICMA Retirement Plan and a 3% participation in a qualified 401(a) contribution plan. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (11) DISCUSSION AND AUTHORIZATION OF A LETTER FROM THE CITY OF MCCOOK TO THE RED WILLOW COUNTY COMMISSIONERS AUTHORIZING THEIR POSSIBLE USE OF THE CURRENT POLICE AND FIRE BUILDING AND REQUESTING A COUNTY REPLY AS TO THEIR SHORT AND LONG TERM NEEDS AND POTENTIAL USE OF THE FACILITY.

Upon a motion by Councilmember Gonzales, seconded by Councilmember Calvin the Council authorized City Staff to prepare a letter from the City of McCook to the Red Willow County Commissioners that would note the City's desire, if needed, for the County to use the current Police and Fire facility and requesting a County reply as to their short and long term needs and potential use of the facility and that they respond by May 21. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

- (11A) APPROVE THE LB840 ECONOMIC DEVELOPMENT REVOLVING LOAN FUND PROGRAM LOAN WITH SHELLIE AND DOUGLAS WINDER IN THE AMOUNT OF \$35,000 WITH A TERM OF 10 YEARS AND AN INTEREST RATE OF 3% AND AUTHORIZE THE MAYOR TO SIGN ALL REQUIRED DOCUMENTS.

Councilmember Calvin introduced a motion to approve the LB840 Economic Development Revolving Loan Fund Program loan with Shellie and Douglas Winder in the amount of \$35,000 with a term of 10 years and an interest rate of 3% and authorize the Mayor to sign all required documents. Councilmember McDowell seconded the motion.

Rex Nelson, McCook Economic Development Corporation Executive Director, stated that this is our first qualified business loan through the LB840 business program. The loan has been reviewed and approved by the LB840 Loan Committee.

City Attorney Schneider noted that the bank has the first position and that we are in the second position.

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.

- (12) COUNCIL COMMENTS.

Councilmember Gonzales stated that he felt the recent strategic planning session was well worth the time. It was good for the Council and Staff to share their concerns and goals for the City.

(13) 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 Calvin, 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.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to move out of executive session at 8:33 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(14) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:35 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk