

MCCOOK CITY COUNCIL
July 2, 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: Councilmembers Gonzales, Calvin, Hepp, McDowell; City Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: Mayor Berry.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on June 28, 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.

Council Vice President Gonzales 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 - BRUCE LESTER, MCCOOK EVANGELICAL FREE CHURCH.

Bruce Lester, pastor of the McCook Evangelical Free Church, was present for the invocation.

(2) PLEDGE OF ALLEGIANCE.

Council Vice President Gonzales led the Council and audience in the Pledge of Allegiance.

(3) CITIZEN'S FORUM.

Utilities Director Jesse Dutcher informed the Council that the mandatory watering restrictions put in place last week were reduced back to a voluntary restriction again this morning, thanks to cooler weather and excellent citizen participation. The voluntary restriction asks citizens to avoid outside watering between the hours of 10:00 A.M. and 6:00 P.M.

Fire Chief Marc Harpham informed the Council that the city has had one firework-related fire since the official start of selling fireworks. The fire was extinguished by neighbors before the arrival of fire personnel. The community needs to be commended for its caution during this very dry and hot time. He has received several inquiries regarding a ban on fireworks and has contacted the Nebraska State Fire Marshall who cautioned that when fireworks are banned, citizens tend to be less careful and use them in less visible and more dangerous locations, causing even more fires. He plans to bring back to the Council for consideration a provision to allow the Mayor or designated person to ban fireworks when necessary, so that it is an enforceable action.

Chief Harpham informed the Council that thanks to the coordinated efforts of the Red Willow County Emergency Management, the Southwest Nebraska Public Health Department, Community Action representative Barb Ostrum, and city personnel, a "Cooling Station" has been setup at the

Heritage Senior Center for citizens that do not have adequate cooling at their residence. The cooling station will be open from 8:00 A.M. to 8:00 P.M. Anyone desiring to go to the cooling station are to call the McCook Public Safety Center.

(4) MAYOR'S ANNOUNCEMENTS & RECOGNITIONS.

City Manager Hancock informed the Council that the firm of Hanna:Keelan will be present at the Planning Commission meeting on June 9, 2012 at 5:15 P.M. to outline the process of updating the City's Comprehensive Plan. The Building Code Review Committee has scheduled to meet the fourth Wednesday of each month at noon to begin their review. The Department of Transportation has re-selected Great Lakes Aviation, Ltd. to provide Essential Air Service (EAS) at McCook for the two-year period beginning June 1, 2012, through May 31, 2014, for an annual subsidy of \$1,976,338.

(5) CONSENT AGENDA:

ITEM A APPROVE THE MINUTES OF THE JUNE 18, 2012 REGULAR CITY COUNCIL MEETING.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve the minutes of the June 18, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM B APPROVE AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT BETWEEN THE CITY OF MCCOOK AND THE STATE OF NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT NO. 12-DTR-005 FOR DEVELOPING A DOWNTOWN REVITALIZATION PLAN, TOTAL AMOUNT OF FUNDS RECEIVED IS \$30,000.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to approve and authorize the Mayor to sign the contract between the City of McCook and the State of Nebraska Department of Economic Development for Community Development Block Grant Contract No. 12-DTR-005 for developing a downtown revitalization plan, total amount of funds received is \$30,000. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

ITEM C RECEIVE AND FILE THE MINUTES OF THE SENIOR CENTER ADVISORY BOARD DATED JUNE 5, 2012.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the Senior Center Advisory Board dated June 5, 2012. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

REGULAR AGENDA

(6) APPROVE ORDINANCE NO. 2012-2878 PROVIDING FOR THE CREATION OF PAVING DISTRICT NO. 393 FOR THE PAVING OF THE ALLEY BETWEEN 14TH STREET WEST AND WEST FAIR ACRES FROM WEST "O" STREET NORTH TO WEST "Q" STREET UPON ITS SECOND READING.

Councilmember Calvin introduced a motion to approve Ordinance No. 2012-2878 providing for the creation of Paving District No. 393 for the paving of the alley between 14th Street West and West Fair Acres from West "O" Street north to West "Q" Street upon its second reading. Motion was seconded by Councilmember McDowell.

Councilmember McDowell stated that he did not support the creation of this paving district adding that the most important issue in the area is drainage.

Public Works Director Kyle Potthoff and City Attorney Schneider explained the process of creation of a paving district.

Paul Goodenberger, area property owner, stated he was opposed to the alley district. The drainage issue starts at the top of the hill and the paving of this alley would not address that issue.

Todd Baker, area property owner, stated that when he signed the petition he was under the impression that it would address the water drainage issue. He would like to remove his name from the petition.

Public Works Director Potthoff stated that the City will continue to work with the area property owners to address the drainage issue adding that a meeting will be scheduled as soon as a time and date has been set with the engineer.

Council Vice President Gonzales then stated the question: "Shall Ordinance No. 2012-2878 be approved upon its second reading?" Upon roll call vote the following Councilmembers voted YEA: None. NAY: Gonzales, Calvin, Hepp, McDowell. ABSENT: Berry. Motion failed.

(7) MUNICIPAL FACILITIES UPDATE.

City Manager Hancock informed the Council that the next Construction meeting is scheduled for Monday, July 9, 2012 at 11:00 A.M.

(8) COUNCIL COMMENTS.

The Council asked the citizens to please be careful and have a safe Fourth of July.

Councilmember Calvin thanked Chief Harpham for all that had been done regarding the "Cooling Station".

Councilmember Hepp thanked the citizens for their vigilance in complying with the water restrictions.

Councilmember Gonzales asked staff to prepare an update to the City Code providing a provision for next year that would allow the implementation of a fireworks ban if necessary.

(9) 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 8:07 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

Council Vice President Gonzales stated 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 Hepp, seconded by Councilmember McDowell, the Council voted to move out of executive session at 8:28 P.M. The motion passed upon the following roll call vote: YEA: Gonzales, Calvin, Hepp, McDowell. NAY: None. ABSENT: Berry.

(10) ADJOURNMENT.

There being no further business to come before the Council, Council Vice President Gonzales declared the meeting adjourned at 8:29 P.M.

Michael Gonzales, Vice President

ATTEST:

Lea Ann Doak, City Clerk