

MCCOOK CITY COUNCIL
June 4, 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 Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: None.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on May 31, 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 - FIRST NAZARENE CHURCH.

No one 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.

City Manager Hancock informed the Council that the entrance sign committee is preparing to present their proposal at the July 2 meeting; work continues on the scope of services for the update of the City's Comprehensive Plan; a review of the process for completing the update of the Comprehensive Plan will be held at the July 9 Planning Commission meeting; and that copies of the memorandum from City Attorney Schneider addressing Aaron Kircher's questions regarding the City's sale tax will be distributed at the end of the meeting.

(5) CONSENT AGENDA:

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

ITEM A APPROVE THE MINUTES OF THE MAY 21, 2012 REGULAR CITY COUNCIL

MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the minutes of the May 21, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM B APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC., LICENSE # IK-57785, FOR A CLASS OF '82 REUNION TO BE HELD AT THE KEYSTONE BUSINESS CENTER, 402 NORRIS AVENUE, ON JULY 28, 2012 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, 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 a Class of '82 reunion to be held at the Keystone Business Center, 402 Norris Avenue, on July 28, 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 C APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY MO DOUGH, LLC., LICENSE # IK-57785, FOR A RECEPTION TO BE HELD AT THE ARMY RESERVE BUILDING, 38709 EAST HIGHWAY 6 & 34, ON JUNE 23, 2012 FROM 1:00 P.M. TO 1:00 A.M.

Upon a motion by Mayor Berry, 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 a reception to be held at the Army Reserve Building, 38709 East Highway 6 & 34, on June 23, 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 D APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY TASTE OF TEXAS BBQ, INC., LICENSE # IK-54088, FOR A DANCE TO BE HELD AT THE RED WILLOW COUNTY FAIRGROUNDS KIPLINGER ARENA, 1415 WEST 5TH STREET, ON JULY 28, 2012 FROM 8:00 P.M. TO 12:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the application for a Special Designated Liquor License submitted by Taste of Texas BBQ, Inc., License # IK-54088, for a dance to be held at the Red Willow County Fairgrounds Kiplinger Arena, 1415 West 5th Street, on July 28, 2012 from 8:00 P.M. to 12:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM E RECEIVE AND FILE MINUTES OF THE MAY 1, 2012 SENIOR CENTER ADVISORY BOARD MEETING AND THE MARCH 26, 2012 TREE ADVISORY BOARD MEETING.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file minutes of the May 1, 2012 Senior Center Advisory Board meeting and the March 26, 2012 Tree Advisory Board meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM G AWARD THE BID FOR THE 2012 ARMOR COATING PROJECT TO FIGGINS CONSTRUCTION OF RED CLOUD, NEBRASKA IN THE AMOUNT OF \$4.21

PER GALLON, THAT BEING THE LOWEST RESPONSIBLE BID.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to award the bid for the 2012 Armor Coating Project to Figgins Construction of Red Cloud, Nebraska in the amount of \$4.21 per gallon, that being the lowest responsible bid. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM H APPROVE THE REQUEST FROM SAMPSON CONSTRUCTION TO EXTEND THE CLOSURE OF WEST "C" STREET FROM WEST 4TH STREET TO WEST 5TH STREET THROUGH NOVEMBER 23, 2012 FOR THE STAGING OF STEEL AND OTHER MATERIALS FOR THE CONSTRUCTION OF THE NEW MUNICIPAL FACILITY.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve the request from Sampson Construction to extend the closure of West "C" Street from West 4th Street to West 5th Street through November 23, 2012 for the staging of steel and other materials for the construction of the new Municipal Facility. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

ITEM I APPROVE APPLICATIONS TO OCCUPY RIGHT OF WAY FOR CONSTRUCTION OF TWO WASTEWATER MONITORING MANHOLES AND A PRIVATE FORCEMAIN ON KARRER STREET AND SOUTH STREET SUBMITTED BY PARKER HANNIFIN CORPORATION.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to approve applications to occupy right of way for construction of two wastewater monitoring manholes and a private forcemain on Karrer Street and South Street submitted by Parker Hannifin Corporation. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

REGULAR AGENDA

ITEM 5F APPROVE THE REQUEST FROM GENE O. MORRIS, ON BEHALF OF HOT ROD ENTHUSIASTS, TO CLOSE NORRIS AVENUE BETWEEN "D" STREET AND "E" STREET AND WEST "D" STREET FROM NORRIS AVENUE TO WEST 1ST STREET ON SATURDAY, JULY 7, 2012 FROM 3:00 P.M. TO 10:00 P.M. IN ORDER TO DISPLAY HOT ROD VEHICLES, MOTORCYCLES, AND BICYCLES.

Gene Morris made the request to the Council on behalf of Hot Rod enthusiasts. The street closings are requested in order for Hot Rod vehicles, motorcycles and bicycles to be displayed on the streets in conjunction with the showing of a classic Hot Rod movie, "The Deuce of Spades," at the historic Fox Theatre.

Upon a motion by Mayor Gonzales, seconded by Councilmember Calvin, the Council voted to approve the request from Gene O. Morris, on behalf of Hot Rod enthusiasts, to close Norris Avenue between "D" Street and "E" Street and West "D" Street from Norris Avenue to West 1st Street on Saturday, July 7, 2012 from 3:00 P.M. to 10:00 P.M. in order to display Hot Rod vehicles, motorcycles, and bicycles.

(6) RECEIVE AND FILE INFORMATION ON AREAS OUTSIDE OF THE CITY LIMITS THAT RECEIVE WATER AND/OR SEWER AND OTHER AREAS THAT ARE POTENTIALLY SERVICEABLE.

Utilities Director Jesse Dutcher gave a presentation regarding nine areas outside the current city limits that have water and sewer service or have the potential to have water and sewer that could generate development in the areas. He outlined the costs for providing water and sewer service to each of the nine areas.

Upon a motion by Mayor Berry, seconded by Councilmember Gonzales, the Council voted to receive and file information on areas outside of the city limits that receive water and/or sewer and other areas that are potentially serviceable. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None.

(7) APPROVE UNDER SUSPENSION OF THE RULE UPON ITS SECOND READING ORDINANCE NO. 2012-2874 APPROVING THE REQUEST TO REZONE OF LOTS FOUR (4), FIVE (5), AND SIX (6), FAIRACRES ADDITION TO THE CITY OF MCCOOK, RED WILLOW COUNTY, NEBRASKA FROM RESIDENTIAL MEDIUM DENSITY MOBILE HOME DISTRICT (RM-M) TO BUSINESS COMMERCIAL DISTRICT (BC).

Councilmember Gonzales moved that the statutory rule requiring reading on three different days be suspended. Mayor Berry seconded the motion to suspend the rule and upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Gonzales moved for final passage of the Ordinance, which was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2012-2874 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

(8) INTRODUCE, APPROVE UNDER SUSPENSION OF THE RULE, ORDINANCE NO. 2012-2876 VACATING THE DEDICATED ALLEY BETWEEN LOTS SEVEN (7) AND EIGHT (8), COUNTRY SIDE ESTATES HENTON'S FIRST ADDITION, RED WILLOW COUNTY, NEBRASKA; CONDITIONAL UPON THE PROPERTY OWNERS GRANTING A TEN (10) FOOT UTILITY EASEMENT ALONG THE SOUTHWESTERN BOUNDARY LINE OF LOT SEVEN (7) AND THE EASTERN BOUNDARY LINE OF LOT EIGHT (8), COUNTRY SIDE ESTATES HENTON'S FIRST ADDITION, RED WILLOW COUNTY, NEBRASKA.

Mayor Berry introduced Ordinance No. 2012-2876 by title. The Clerk read the Ordinance by title:

AN ORDINANCE TO VACATE THE DEDICATED ALLEY BETWEEN LOTS SEVEN (7) AND EIGHT (8), COUNTRY SIDE ESTATES HENTON'S FIRST ADDITION, RED WILLOW COUNTY, NEBRASKA; WITH SAID VACATION CONTINGENT UPON THE PROPERTY OWNERS GRANTING A TEN FOOT (10') UTILITY EASEMENT ALONG THE SOUTHWESTERN BOUNDARY LINE OF LOT SEVEN (7) AND THE EASTERN BOUNDARY LINE OF LOT EIGHT (8), COUNTRY SIDE ESTATES HENTON'S FIRST ADDITION, RED WILLOW COUNTY, NEBRASKA; TO PROVIDE FOR REVERSION OF SAID ALLEY TO

TITLEHOLDERS OF RECORD; TO PROVIDE FOR THE FILING OF THIS ORDINANCE IN THE OFFICE OF THE REGISTER OF DEEDS OF RED WILLOW COUNTY, NEBRASKA; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR A TIME AND DATE FROM AND AFTER WHICH THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE.

Ordinance No. 2012-2876 was introduced and read by title only. Councilmember McDowell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Calvin seconded the motion to suspend the rule.

Councilmember Calvin clarified that Mrs.3 Henton was in agreement and that she was aware of the required granting of the two ten foot utility easements.

Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. The motion to suspend the rule was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Councilmember Hepp moved for final passage of the Ordinance, which was seconded by Councilmember Calvin. The Mayor then stated the question: "Shall Ordinance No. 2012-2876 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. The passage and adoption of said Ordinance, having been concurred in by a majority of all members of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- (9) APPROVE ORDINANCE NO. 2012-2872 AMENDING CHAPTER 96 OF THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES PERTAINING TO TREES AND SHRUBS; ADDING SECTION 96.28 - ARBORIST LICENSE, REQUIRING ANY PERSON OR FIRM ENGAGED IN THE BUSINESS OF PRUNING OR REMOVING TREES TO PROCURE A LICENSE; AND ADDING SECTION 96.29 - PENALTY, AND PROVIDING FOR A PENALTY FOR ANY PERSON VIOLATING THIS CHAPTER UPON ITS THIRD AND FINAL READING.

Councilmember Calvin moved for final passage of the Ordinance, which motion was seconded by Councilmember Gonzales. The Mayor then stated the question: "Shall Ordinance No. 2012-2872 be passed and adopted?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. The passage and adoption of said Ordinance having been concurred in by a majority of the Council, the Mayor declared the Ordinance lawfully passed and adopted upon publication as required by law.

- (10) APPROVE ORDINANCE NO. 2012-2875 AMENDING THE CITY OF MCCOOK, NEBRASKA CODE OF ORDINANCES, SECTION 31.60 - PUBLIC WORKS CONSTRUCTION; ARCHITECT OR PROFESSIONAL ENGINEER REQUIRED; EXCEPTIONS; TO REVISE THE THRESHOLD FOR PUBLIC WORKS PROJECTS REQUIRING ARCHITECTURE OR ENGINEERING; TO HARMONIZE WITH STATE LAW UPON ITS SECOND READING.

Motion was made by Councilmember Calvin, seconded by Councilmember Gonzales, to approve Ordinance No. 2012-2875 on its second reading. Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, Hepp, McDowell. NAY: None. Motion carried. Whereupon the Mayor declared said Ordinance No. 2012-2875 approved on its second reading.

- (11) DISCUSSION OF DRAFT 2012-2013 STRATEGIC PLAN.

City Manager Hancock reviewed the draft of the 2012-13 Strategic Plan that includes a better distinction between the Council's and Department Director's rankings and some suggested action items.

(12) MUNICIPAL FACILITIES UPDATE.

Councilmember Gonzales gave a brief update on the municipal facility. The steel is up in the apparatus bay, work has started on the footings of the mezzanine, as soon as they have a crane on site steel work will begin on the second floor, and most of the stud work has been completed on the first floor.

City Manager Hancock noted that the Council tour of the facility has been scheduled for June 11, 2012 at noon.

(13) COUNCIL COMMENTS.

There were no Council comments.

(14) 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.

City Attorney Schneider stated that an executive session for this item was not needed at this time.

(15) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 8:25 P.M.

Dennis Berry, Mayor

ATTEST:

Lea Ann Doak, City Clerk