

MCCOOK CITY COUNCIL  
September 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, McDowell; City Manager Hancock; City Attorney Schneider; City Clerk-Treasurer Doak.

Absent: Councilmember Hepp.

Notice of the meeting was given in advance thereof by publication in the McCook Daily Gazette on August 30, 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 - STEVE BALES, 1<sup>ST</sup> CONGREGATIONAL CHURCH.

Steve Bales, pastor of the 1<sup>st</sup> Congregational 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.

City Manager Hancock informed the Council that the process has began for the Downtown Planning Group. There will be several subcommittees of the larger group which will address Land Use and Zoning, Economic Development, Transportation, Housing, and the Downtown area.

(5) CONSENT AGENDA:

Councilmember Calvin requested that Item D be removed from the Consent Agenda and placed on the Regular Agenda.

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

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to

approve the minutes of the August 20, 2012 regular City Council meeting. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

ITEM B RATIFY THE MAYOR'S APPOINTMENTS TO THE:

- AIRPORT ADVISORY COMMISSION - REAPPOINT DOUG SKILES AND MIKE KUGLER - TERMS EXPIRE NOVEMBER 2015.
- COMMUNITY REDEVELOPMENT AUTHORITY ADVISORY BOARD - REAPPOINT LINDA TAYLOR, CLOYD CLARK, AND STAN GOODWIN - TERMS EXPIRE NOVEMBER 2015.
- HOUSING AGENCY - REAPPOINT JUDY KEENPORTZ - TERM EXPIRES NOVEMBER 2017.
- LIBRARY BOARD - REAPPOINT PAM WOLFORD - TERM EXPIRES JUNE 2015.
- PARK ADVISORY BOARD - REAPPOINT MICHELLE GONZALES AND HARRY SUGHROUE - TERMS EXPIRE MAY 2015.
- SENIOR CITIZENS ADVISORY BOARD - REAPPOINT PEGGY APPELYARD, JOYCE HOFMAN, GENE MEINTS - TERMS EXPIRE SEPTEMBER 2014.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to ratify the Mayor's appointments to the Airport Advisory Commission reappointing Doug Skiles and Mike Kugler - terms expire November 2015; the Community Redevelopment Authority Advisory Board - reappointing Linda Taylor, Cloyd Clark, and Stan Goodwin - terms expire November 2015; the Housing Agency - reappointing Judy Keenportz - term expires November 2017; the Library Board - reappointing Pam Wolford - term expires June 2015; the Park Advisory Board - reappointing Michelle Gonzales and Harry Sughrue - terms expire May 2015; and the Senior Citizens Advisory Board - reappointing Peggy Appleyard, Joyce Hofman, Gene Meints - terms expire September 2014. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

ITEM C APPROVE THE PROFESSIONAL SERVICE/CONSULTANT CONTRACT BETWEEN THE CITY OF MCCOOK AND RDG SCHUTTE WILSCAM BIRGE, INC., DBA RDG PLANNING AND DESIGN TO COMPLETE A DOWNTOWN REVITALIZATION PLAN FOR COMMUNITY BLOCK GRANT # 12-DTR-005.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the Professional Service/Consultant contract between the City of McCook and RDG Schutte Wilscam Birge, Inc., dba RDG Planning and Design to complete a Downtown Revitalization Plan for Community Block Grant # 12-DTR-005. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

ITEM E APPROVE THE APPLICATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE SUBMITTED BY THE MCCOOK AREA CHAMBER OF COMMERCE FOR THE HERITAGE DAYS MIXER TO BE HELD AT MCCOOK NATIONAL BANK, 220 NORRIS AVENUE, ON WEDNESDAY, SEPTEMBER 26, 2012 FROM 5:30 P.M. TO 7:30 P.M.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to approve the application for a Special Designated Liquor License submitted by the McCook Area Chamber of Commerce for the Heritage Days mixer to be held at McCook National Bank, 220

Norris Avenue, on Wednesday, September 26, 2012 from 5:30 P.M. to 7:30 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

ITEM F RECEIVE AND FILE THE MINUTES OF THE PARKS ADVISORY BOARD DATED APRIL 5, 2012 AND THE BUILDING CODE REVIEW COMMITTEE DATED JUNE 26, 2012.

Upon a motion by Mayor Berry, seconded by Councilmember McDowell, the Council voted to receive and file the minutes of the Parks Advisory Board dated April 5, 2012 and the Building Code Review Committee dated June 26, 2012. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

### REGULAR AGENDA

ITEM 5D APPROVE THE MCCOOK AREA CHAMBER OF COMMERCE HERITAGE DAYS REQUEST FOR THE USE OF NORRIS PARK FOR EVENTS THAT INCLUDE THEIR ARTS & CRAFTS SHOW AND THE BANDSHELL FOR ENTERTAINMENT ON SEPTEMBER 27, 29, AND 30, 2012; FOR THE CLOSING OF NORRIS AVENUE FROM “G” STREET TO “H” STREET AFTER THE PARADE ON SEPTEMBER 29, 2012, THE 700 BLOCK OF EAST 1<sup>ST</sup>, THE 100 BLOCK OF EAST “G”, THE 100 BLOCK OF EAST “H” STREETS FROM 5:00 A.M. SEPTEMBER 29, 2012 UNTIL THE EVENING ON SUNDAY, SEPTEMBER 30, 2012 AND THE 100 BLOCK OF WEST “G” STREET PRIOR TO THE PARADE; TO ALLOW OVERNIGHT PARKING FOR VENDORS AROUND NORRIS PARK; TO CONDUCT THEIR PARADE ON PUBLIC STREETS ON SEPTEMBER 29, 2012; THE USE OF CITY STREETS AROUND NORRIS PARK FROM THE CONCLUSION OF THE PARADE UNTIL 4:00 P.M. ON SATURDAY, SEPTEMBER 29, 2012 FOR A CAR SHOW; IN ADDITION THE CHAMBER WOULD LIKE TO RESERVE THE RIGHT TO CLOSE OFF THE 200 BLOCK OF EAST “H” STREET IN CASE IT IS NEEDED FOR THE CAR SHOW.

Councilmember Calvin introduced a motion to approve the McCook Area Chamber of Commerce Heritage Days request for the use of Norris Park for events that include their Arts & Crafts Show and the bandshell for entertainment on September 27, 29, and 30, 2012; for the closing of Norris Avenue from “G” Street to “H” Street after the parade on September 29, 2012, the 700 block of East 1<sup>st</sup>, the 100 block of East “G”, the 100 block of East “H” Streets from 5:00 A.M. September 29, 2012 until the evening on Sunday, September 30, 2012 and the 100 block of West “G” street prior to the parade; to allow overnight parking for vendors around Norris Park; to conduct their parade on public streets on September 29, 2012; the use of City Streets around Norris Park from the conclusion of the parade until 4:00 P.M. on Saturday, September 29, 2012 for a Car Show; in addition the Chamber would like to reserve the right to close off the 200 block of East “H” Street in case it is needed for the car show. Councilmember McDowell seconded the motion.

Upon a motion by Councilmember Calvin, seconded by Mayor Berry, the Council voted to amend the motion to state that the Chamber reserves the right to close off the west half of the 200 block of East “H” Street (from the alley west). The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

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, McDowell. NAY: None. ABSENT: Hepp. Motion carried.

- (6) RATIFY THE MAYOR'S APPOINTMENTS TO THE MCCOOK DOWNTOWN PLANNING STEERING COMMITTEE OF TROY BRUNTZ, MATT SEHNERT, SHELBY HAAG, CODY DAME, CLOYD CLARK, BRUCE HOFFMAN, RENEA SMITH, DONNA BATES, JENNIFER MORGAN, TACIE FAWVER, REX NELSON, CAROL SCHLEGEL, JEFF GROSS, AND RAY WALTER; EX OFFICIO MEMBERS JEFF HANCOCK, KYLE POTTHOFF, AND JESSE DUTCHER; AND THAT THE COUNCIL SELECT A COUNCIL REPRESENTATIVE FOR SAID COMMITTEE.

Mayor Berry introduced a motion to ratify his appointments to the McCook Downtown Planning Steering Committee of Troy Bruntz, Matt Sehnert, Shelby Haag, Cody Dame, Cloyd Clark, Bruce Hoffman, Renea Smith, Donna Bates, Jennifer Morgan, Tacie Fawver, Rex Nelson, Carol Schlegel, Jeff Gross, and Ray Walter; Ex Officio members Jeff Hancock, Kyle Potthoff, and Jesse Dutcher to the Downtown Planning Steering Committee. Councilmember Gonzales seconded the motion.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to select Mayor Berry as the Council's representative to said Committee. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

- (7) APPROVE ORDINANCE NO. 2012-2881 PROVIDING FOR THE AMENDMENT OF FEE SCHEDULE - APPENDIX D, SEWER DEPARTMENT RATES AND FEES UPON ITS SECOND READING.

Motion was made by Councilmember Gonzales, seconded by Councilmember Calvin, to approve Ordinance No. 2012-2881 on its second reading.

Mayor Berry proposed reducing the sewer rate increase from 3.5% to 3.25%.

Utility Director Jesse Dutcher stated that volume in the Sewer Department remains stable, which causes it to run a tight budget. Rate increases are important for it to keep up with expenses that regularly increase each year.

Councilmember Gonzales presented information from the City's Financial Advisor regarding 1) the effect of utilizing \$100,000 of sales tax dollars to buy down the Sewer SRF loan and 2) utilizing the \$100,000 to buy down the SRF loan and lowering the rate increase to maintain the cash percentage as originally proposed. Additional loan payments shorten the term creating a savings at the end. He suggested increasing the proposed buy down amount.

Mayor Berry stated that his intent when considering the budget would be to eliminate a portion of the funds proposed for a water slide for the swimming pool.

Public Works Director Kyle Potthoff stated that new regulations and necessity of treatment of the recirculated water will make the project exceed the original \$180,000 proposed.

Councilmember Gonzales suggested that the Parks Advisory Board be asked to review and make their recommendation regarding the proposed slide and possibly what to do instead of the slide.

Mayor Berry proposed utilizing an additional \$50,000 of sales tax revenue for the buy down of the

Sewer SRF debt and that the proposed rate increase be reduced from 3.5% to 3.25%.

Upon a motion by Mayor Berry seconded by Councilmember Calvin, the Council voted to reduce the proposed rate increase for sewer from 3.5% to 3.25%. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

The Mayor then stated the question: "Shall Ordinance No. 2012-2881 be approved upon second reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp. 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.

(8) INTRODUCE AND APPROVE ORDINANCE NO. 2012-2882 PROVIDING FOR THE AMENDMENT OF FEE SCHEDULE - APPENDIX E, WATER DEPARTMENT RATES AND FEES UPON ITS SECOND READING.

Motion was made by Councilmember Calvin, seconded by Councilmember McDowell, to approve Ordinance No. 2012-2882 on its second reading.

Utility Director Dutcher stated that the Water Enterprise carries a large fund balance and is in much better financial condition. The very dry summer generated approximately \$240,000 in revenue than anticipated. These additional dollars go to the bottom line.

Discussion occurred regarding cutting the proposed increase in half, to 1.75%, utilizing some of the reserve, and what effect will that have on future rate increases.

Upon a motion by Councilmember Gonzales, seconded by Councilmember McDowell, the Council voted to reduce the proposed increase from 3.5% to 1.75%. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

The Mayor then stated the question: "Shall Ordinance No. 2011-2882 be approved upon its second reading as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp. Motion carried.

(9) AN EXECUTIVE SESSION MAY BE HELD UPON A MAJORITY VOTE OF THE COUNCIL FOR A STRATEGY SESSION WITH RESPECT TO POTENTIAL LITIGATION REGARDING SOLID WASTE DISPOSAL.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, the Council voted to move into executive session for a strategy session with respect to potential litigation regarding Solid Waste disposal at 8:05 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

Mayor Berry then 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 potential litigation regarding Solid Waste disposal. The Council will reconvene in public session following this closed session.

Upon a motion by Councilmember Calvin, seconded by Councilmember McDowell, the Council voted to move out of executive session at 8:46 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

(10) APPROVE ORDINANCE NO. 2012-2879 PROVIDING FOR THE ADOPTION OF THE BUDGET FOR FY 2012/2013 UPON ITS THIRD AND FINAL READING.

Councilmember Gonzales moved for final passage of Ordinance No. 2012-2879, which motion was seconded by Councilmember McDowell.

Upon a motion by Mayor Berry, seconded by Councilmember Calvin, the Council voted to remove \$50,000 out of the amount designated for the water slide in Sales Tax projects and move it to buying down the Sewer SRF loan. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

Upon a motion by Councilmember McDowell, seconded by Councilmember Calvin, the Council voted to take \$2,500 from the ending Fund Balance and \$1,000 from Airport Ground Maintenance, for funding of Wildlife Services. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

Mayor Berry expressed his disappointment with the County Commissioners' cancellation of this service. They indicated they would look at again providing this service to the rest of the County, if the City picked up the expense within the city limits. He hoped that the County would again fund the service for all county residents, adding that he felt that their stance short-changed the Citizens of McCook, who are also county residents.

The Mayor then stated the question: "Shall Ordinance No. 2012-2879 be passed and adopted as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp. 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.

(11) APPROVE ORDINANCE NO. 2012-2880 PROVIDING FOR THE ADOPTION OF THE 2012/2013 FISCAL YEAR EMPLOYEE CLASSIFICATION PAY PLAN UPON ITS THIRD AND FINAL READING.

Councilmember Calvin moved for final passage of Ordinance No. 2012-2880, which motion was seconded by Councilmember McDowell.

Upon a motion by Councilmember Gonzales, seconded by Mayor Berry, the Council voted to add the position of Tractor-Trailer Operator at the Pay Grade Position 120. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

The Mayor then stated the question: "Shall Ordinance No. 2012-2880 be passed and adopted as amended?" Upon roll call vote the following Councilmembers voted YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp. 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.

(12) MUNICIPAL FACILITIES UPDATE.

Councilmember Gonzales informed the Council that the bay drives are scheduled to be poured this Thursday, that 80% of the drywall is completed, and 90% of the mechanical is completed.

(13) COUNCIL COMMENTS.

The Council wished fellow Councilmember Hepp a speedy recovery following her recent surgery.

The Council thanked City Staff for all their hard work that went into preparation of the budget.

- (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.

Upon a motion by Councilmember Calvin, seconded by Councilmember Gonzales, 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 9:05 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

Mayor Berry then 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 Calvin, seconded by Councilmember McDowell, the Council voted to move out of executive session at 9:12 P.M. The motion passed upon the following roll call vote: YEA: Berry, Gonzales, Calvin, McDowell. NAY: None. ABSENT: Hepp.

- (15) ADJOURNMENT.

There being no further business to come before the Council, Mayor Berry declared the meeting adjourned at 9:13 P.M.

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Dennis Berry, Mayor

ATTEST:

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Lea Ann Doak, City Clerk